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HENRY THE THIRD
AND THE CHURCH

HENRY THE THIRD AND THE CHURCH

A STUDY OF HIS ECCLESIASTICAL POLICY AND OF THE RELATIONS BETWEEN ENGLAND AND ROME

BY

ABBOT GASQUET, D.D.

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TO

MY OLD AND TRIED FRIEND

EDMUND BISHOP

TO WHOM

I OWE MORE THAN MERE WORDS CAN EXPRESS

9685

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INTRODUCTION

ALMOST every historical inquiry is beset with difficulties. It might, perhaps, seem to the ordinary observer that it should be an easy matter, with the expenditure of just a little trouble and labour, directed with an honesty of purpose, to determine what are the undoubted facts in the story of the past, and to disentangle the certain from those elements of the uncertain with which most human relations are overlaid and embroidered. This, however, in practice is frequently, if not generally, found to be most difficult, and the reason is not far to seek. The human mind is so constituted that it intrudes itself and its own views into most considerations in such a way, that facts become distorted to accord with the individual method of regarding them. Many people come to history to find evidence for something they wish to prove, and their eyes consequently magnify what they expect to see, whilst, probably quite unconsciously, they obscure, or diminish, or discount what does not accord with their preconceived notions. If this be true in regard to facts, all the more certainly is it the case with respect to inferences or deductions which have to be drawn from them, in order to explain their existence or to point their moral. Everyone who has made the endeavour will recognise how difficult it is accurately to determine the sense of even one document, and what stern self-discipline is requisite as the

first condition of every critical inquiry or historical investigation.

In briefly introducing the present study of the relations between the Church and State in the reign of Henry III, it is perhaps well to make one or two remarks upon the way in which I would desire to approach the question. That attitude of mind, to which I have just referred, so detrimental to any fair examination of the facts, is confined to no party and, as far as I know, is induced by no special views on religious matters. As a rule it is obviously increased by direct controversy; as the immediate necessity of gaining a dialectic triumph over an adversary, of defending a chosen position or of pushing forward an advantage, is not conducive to the tone and temper of mind needful for the formation of a balanced judgement. My endeavour in this volume has been to state the facts as far as possible in the language of the old chroniclers and of the letters and other documents of the reign.

On the one side and on the other, in regard to the relations between England and Rome in the thirteenth century, there has been, it seems to me, a tendency—I may call it, perhaps, a natural tendency—to minimise and exaggerate. Those holding one set of opinions have been, perhaps, too blind to the difficulties which undoubtedly did exist between England and Rome at this period, and which were certainly not light difficulties. Those holding other views have, it seems to me, been equally hasty in assuming that these difficulties were religious or spiritual difficulties. I make every excuse for the mistake—as I hold it to be—because to them the word *Rome* has become almost a symbol for a certain body of religious views and the expression for a system of religious teaching opposed in many things to that of mere

nationalism in religion. When, then, it was seen that difficulties really did exist, and existed for a considerable time and to a considerable extent, in the thirteenth century between this country and the Roman authorities, it was easy enough to rush to the conclusion that the conflict between them must have more or less affected, even if it did not lead to, any complete rupture in the religious relations between England and the Roman See. It would be easy enough to illustrate this view from current literature, but I fancy that it is so well recognised, that there is no need to occupy the reader's attention further in this matter. The question of importance and interest really is, how far this position is tenable in view of the documents and papers of the period. In the following chapters I have endeavoured to set forth the materials for forming a judgement. Here, perhaps, I may be permitted to state what, after much study, I think is the only verdict which can be passed consistently with the facts; and to sum up, what I believe to be the story of the reign of Henry III, so far as the Church is concerned. (1) The pope, by the act of King John, had obtained a position of paramount importance in this country. What a suzerain was to a feudatory state, that the pope of Rome was to England. The country was a fief of the Holy See; and the name of feudal overlord, possessed by the pope, was no mere empty title, but represented a power which was acted upon and insisted upon again and again in spite of opposition. (2) This opposition was fully as strong, if not indeed stronger, on the part of the bishops and clergy than it was on the side of the laity. (3) That there was grave discontent against the Roman officials cannot be doubted for one moment. In fact it could hardly have been deeper, and was manifested by ecclesiastics, if possible, even more than by lay-

men. (4) But it was a discerning discontent, and it was absolutely confined to opposition to the pecuniary policy of the papal officials in their constant demands made upon the revenues of the English churches and to the appointment of foreigners to English benefices. (5) Throughout the agitation—and it was both considerable and extending over a long period of time—not only was there no attack made upon the spiritual supremacy of the popes, but that supremacy over the Church Universal was assumed in every document emanating from England, and this spiritual supremacy was constantly asserted to have been established by Christ Himself. Moreover, as those who will read my pages can see for themselves—or, better still, having read my pages, will go to the original documents —the spiritual side of the papacy is frequently insisted on in unmistakable terms. Men who, like Grosseteste, were the most determined in their opposition to what I may call the claims of the papacy in temporal matters, were, like him, the most clear-sighted in their perception of the pope's indefeasible and divine right and duty to rule the Universal Church in matters spiritual. In fact, Grosseteste even went beyond this, and fully conceded to the Apostolic See in theory the power of dealing out to whom it would the ecclesiastical benefices of this or any other country. "I know and truly acknowledge," he says, "that to the lord pope and the holy Roman Church belongs the power of dealing freely with all ecclesiastical benefices"[1] throughout the world. This is an important declaration on the Catholic theory of papal authority; whilst the whole of the bishop's acts are a practical protest against local abuses of that power.

Without wishing in the least to justify the constant

[1] Grosseteste, *Epistolae*, 145.

demands made by the popes upon England for money, or still less the packing of English benefices with foreign ecclesiastics, we should in justice remember the position and responsibilities of the popes at this period in European politics. Ancient history could show nothing like the system which bound the nations of Christendom together. Previously, States consisted of but one nation; the new Roman Empire embraced vigorous and flourishing nations united in one faith and one empire in the papal system, which had its origin in the opposition of Catholic countries to those in schism. A modern historian has said, that in the ages of faith "it was considered no disgrace to pay tribute to St. Peter; and it was considered a particular honour to receive from the successor of St. Peter a crown which, being sanctified by papal protection, could not be withdrawn." In other confederacies of States each lost something of individual independence and their princes something of sovereignty when they were merged in a supreme power. In the papal system, which made and preserved mediaeval Europe as it was entering on modern times, the nations found the guarantee of their independence and the princes the support of their sovereignty in the protection afforded them even by the spiritual sword of the Roman pontiffs.

In this voluntary submission to the pope as to their feudal lord, the princes of the middle ages did not perceive any such loss of dignity as we to-day might imagine, or indeed any loss at all. By the beginning of the thirteenth century Spain and Portugal had become tributary to the pope, and the act of King John, discussed in the first chapter of this book, was only the legitimate consequence of that of Henry II. When the first of the Plantagenets stood in need of assistance, he acknowledged

the feudatory dependence of England on the Holy See in terms hardly less distinct than those used by John himself. The step taken by Henry II in 1173 was the distinct forerunner of that of 1213, only that at the latter date the need for protection was more obvious. It was better to be feudatory to the pope than feudatory to the king of France, who alone of all the sovereigns of Europe kept aloof from the system of the papal league, which at the beginning of the thirteenth century already overshadowed the Germanic Empire.

The crusades added a new motive to induce nations to recognise the popes as their leaders. They alone could, and in fact did, organise the opposition to the infidel, who at one time threatened to overrun all the Christian countries of western Europe and sweep away the civilisation which had been slowly built up on the ruins of the Roman empire. Then the Latin West had to defend the Latin East, and this seemed naturally to devolve upon the popes; whilst the invasions of the Tartars and the frequent wars with the Hohenstaufen demanded constant vigilance and the expenditure of much money on the part of the head of Christendom. It is admitted, I believe, that it was to carry out these public duties and benefits to the world that the popes were obliged so constantly to appeal to the generosity of their spiritual children, whose temporal quarrels they were really fighting. It was not out of a passion for wealth, nor indeed to gratify any love of personal splendour, that the mediaeval popes made those unpopular demands for money about which much will have to be said in the following pages.

The estates of the Church could not possibly suffice to supply money for all the necessary works undertaken by the papacy as the centre of Christendom. Sometimes,

indeed, the pope was entirely dispossessed of his lands by his enemies, and in fact when they were in the hands of the emperor Frederick, we have the most numerous instances recorded of Italians being beneficed in England and France. The popes, reduced to great straits in the government of the Church and Christendom at one of the most critical moments in the history of Europe, were unable to reward faithful services except by conferring benefices in foreign lands. Whilst wholly condemning the practice, we should remember, in fairness, that England was not altogether without some return for what was thus taken from her. If the papal design in regard to the crown of Sicily had been carried out, and Henry III's son had been established on that throne, the story of which proposal and of its failure is briefly told in one of the chapters of this volume, who shall say how different might have been the subsequent history of the Church and of Europe? It was the policy of the popes to keep the Sicilian crown distinct from the German imperial crown, and had not Innocent III, as feudal lord, protected the rights as well as the person of the heir, it would have been lost, as Henry's would have been at his father's death if the pope had not come forward to protect his youthful vassal. It is, perhaps, idle to speculate on what might have been; but it does not require much knowledge of the sequence of events to say that had one of England's sons been established in Sicily, for one thing the long period of papal exile in France could hardly have taken place. In their design to connect Sicily with England the popes failed, but they succeeded better in other matters. Had it not been for the papal forethought and protection, England might, and in all probability would, have become a feudatory State under the French crown, or it may be

even an outlying part of the German Empire. Indeed, as late as the Council of Constance, in 1417, the French endeavoured to maintain that rightly England was not a country apart, but that legally it was an integral portion of Germany. If in the making of the nations England was saved, it was in some measure at least because, as the late Lord Acton once declared, the union of this country with the papal system "tended to increase considerably the national power and national greatness."

FRANCIS A. GASQUET.

Athenaeum Club.
26th May, 1905.

HENRY III AND THE CHURCH

CHAPTER I

ENGLAND A FIEF OF THE HOLY SEE

KING JOHN died on 16th October, 1216. He was succeeded on the throne by his son Henry III at one of the most critical periods of our national history. The Great Charter of the previous year had been thought by many to have finally settled matters long in dispute between John and the nation at large. Such sanguine expectations, however, argued ignorance of the king's real character. From the first, writhing under the stress of circumstances which had compelled him to seal his approval of the liberties conferred by the Charter on his subjects, he had resolved at the earliest opportunity to shake off the yoke to which he had apparently submitted.

The Magna Charta had received John's final assent on 15th June, 1215. Without a moment's delay the king set to work by representations at Rome to obtain from the pope a declaration of its nullity, and a papal absolution from the solemn oaths that bound him to observe its provisions. Any grant of liberties to the nation, it was argued by the king's agent in the Curia, was void legally, if the previous consent of the pope, as overlord of the kingdom of England, had not been obtained. This had not been done, and hence the Charter was undoubtedly void. Further, it was argued

that the king should be absolved from the oaths he had taken, because he had been forced to take them. The pontiff who then sat upon the throne of Peter, was Innocent III, a pope of great ability, and of almost unlimited power in the western world. Of him Mr. Brewer writes that "his transcendent genius . . . is conspicuous not only in the changes he wrought in the whole system of European politics, but still more in his successful mastery of all opposition from contemporary sovereigns. If Alexander desired to find kings as competitors in the race, Innocent was surrounded by monarchs as able as himself, accustomed not to render but to receive homage, capable of resenting any infringement of their dignity. He found Christianity in a fluid state with a tendency to glomerate round different centres, and revolve in different orbits. At his death he left the papacy the sole acknowledged centre towards which all states gravitated as the law of their existence;* and perhaps what was more difficult to achieve, he rooted his convictions for centuries in the hearts of men, however opposite their moral or intellectual characters."[1]

From this point of view one of this great pontiff's greatest achievements was his complete victory at the close of the long struggle with King John. It issued in the king's humble submission on Ascension day, 1213, to the papal envoy, and in his acknowledgement of Innocent and his successors on the throne of the Fisherman, as supreme overlords of the kingdom of England and Ireland. Henceforth, as the terms of the surrender plainly state, the kings of England were to rule as vassals of the pope, and in visible token of this new position John put off his crown and then knelt to receive it again at the hands of the nuncio Pandulph.

[1] Giraldus Cambrensis, *Opera* (Rolls. ed.), i. Introd. lxviii.

> Is this Ascension-day? Did not the prophet
> Say, that before Ascension-day at noon
> My crown I should give off? Even so I have:
> I did suppose it should be on constraint
> But, heaven be thank'd, it is but voluntary.[1]

As a perpetual memorial of this surrender it was agreed that the country should be bound to pay to the See of Rome an annual tribute of a thousand marks, seven hundred for England and three hundred for Ireland.[2] The royal charter, signed at Dover in the presence of Pandulph on 15th May, the eve of the Ascension, 1213, states that John gave to the pope "the entire kingdoms of England and Ireland and all their rights," etc., "with the common consent" of his barons. The same day, the archbishop of Dublin, the bishop of Norwich and several of the nobility attest the deed and that of the act of homage made by King John to the legate.[3] In this second document the king acknowledged that England and Ireland now form part of the patrimony of St. Peter, the rights of which he was bound to defend against all men.

The terms of the papal nuncio's certificate of absolution are, if possible, even more explicit—at least, of what Pope Innocent III understood by the king's act. "Let all men know," it runs, "that by God's grace the king has become another man, since he has adopted the Roman Church as his mother. He has subjected England and Ireland to the Holy Roman Church and has given his territories aforesaid to God, to His holy Apostles Peter and Paul, and to the Lord Pope as a patrimony. He and his heirs are to hold them of the Lord Pope and his successors. Publicly, and before every one, he has done fealty to the Holy Roman

[1] *King John*, Act V.
[2] *Annales Monastici*, i. p. 60.
[3] Rymer, *Foedera* (ed. 1816), i. 111-112.

Church and sworn homage on the Gospels, and by his Charter which he has already sent by his messengers to Rome." This being so, Pandulph, the nuncio, charged the English barons and all others to serve the king faithfully, under threat of excommunication should they show themselves disloyal. In the pope's name also, the king of France was ordered not to proceed with hostilities against the English king, as he had been invited to do, because, by the grace of God, John had now become "a son of holy Church."

It is by no means clear that the king's assertion, that he had had the full assent of his people in making his submission, is quite correct. It is hard to see how such an assent could have been obtained, and there is little doubt that to many churchmen, like Cardinal Langton, the surrender of England to any "overlord," even were he the pope himself, was eminently distasteful. Moreover, in after years, it was plainly asserted that the nation had never consented to King John's act, and "that even Stephen (Langton) the archbishop had stood against it."[1] This, no doubt, refers to the cardinal's subsequent action, as, of course, he was not in England at the time of the submission itself. If we are to accept the evidence of Matthew Paris, the people generally regarded the surrender of their country, to form part of the patrimony of St. Peter, as "famosa" rather than as "formosa"[2]—an "astounding" rather than a "pleasing" event. This is probably not far from the truth. The act of submission was acquiesced in for the sake of peace. That it was approved by anyone is extremely doubtful: as indeed how could it be? Probably even John himself did not understand at the time what would be the effect of his submission, and only looked

[1] Bartholomeus de Cotton, *Historia Anglicana* (Rolls ed.), p. 125.
[2] Matthæus Parisiensis, *Hist. Majora* (Rolls ed.), ii. 509.

upon it as a ready expedient to bring to an end a very undesirable state of things in the kingdom. To John the humiliation of surrender to the legate brought relief from the deposition, at the hands of the French king, which threatened him. This gain was the main point, and it is hardly likely that he was either serious in his promises, or had any intention of binding himself to the conditions of his absolution if it should suit his purposes to cast them aside. To the clergy and barons also the king's action brought relief from the pressure of the papal interdict, which now for a long period had seriously affected all classes of society, and the punitive effect of which was felt in every parish and every home throughout the country. They were not likely to inquire too minutely into the meaning of any act of homage on the part of their sovereign, which restored the ordinary practices of religion and the rights of a Christian country to England. Whatever the king may have intended, however, and whatever his subjects may have thought, by John's act of homage a new position was created for the English king, which was well recognised in those days of feudalism. Of this position the king was not slow to avail himself when he needed the help, which, as vassal of the pope, he could now demand from his overlord to enable him to cope with his old opponents, the barons.

The submission made by the king in May, 1213, was renewed on 3rd October of the same year, under more solemn circumstances. John again formally proclaimed the resignation of his kingdom to Pope Innocent, and recorded his oath of fealty to the Holy See, in a Charter sealed with a golden "bulla." This document was attested by Archbishop Langton, now in England, by four other bishops and several of the chief nobles.[1] It is this deed of gift which the

[1] Rymer, i. 115. It was apparently at this same time that Archbishop

pope recites in his subsequent letter of acceptance, dated 2nd November, and which is countersigned by all the Cardinals in Curia.[1] After pointing out that those "kings alone have a right to reign who strive to serve God aright," Innocent III goes on to speak of John's submission. By God's inspiration, "in whose hands are the hearts of kings and who directs them wheresoever He wills," he says, "you the English king have elected to submit yourself and your realm, even in things temporal to me, to whom previously you had acknowledged yourself subject in spiritual matters. In this way in the one person of the Vicar of Christ the body and soul, as it were, that is, the temporal kingdom and the priesthood[2] are united to the great benefit and increased power of both. He, therefore, who is the Alpha and Omega, has deigned to accomplish this. He has finished what He began, and so brought what He had begun to its ending, in such a way that the country, which of old acknowledged the Holy Roman Church as the ruler in spiritual matters, should now have it as its real master even in temporals." For by the common consent of the English barons, the king has given over for ever the kingdoms of England and Ireland to God, to His holy Apostles Peter and Paul, to the Holy Roman Church, and to the pope and his successors "as a right and possession."[3] Then after quoting textually John's Charter and oath of fealty, the pope declares them to be approved and ratified, and adds: We take

Langton, at the meeting of bishops and nobles in St. Paul's, produced a Charter of Henry I renewing the "laws of St. Edward," and obtained King John's assent to the same, and his pledge to keep it. The French historian, M. A. Luchaire, sees in the act of the archbishop and barons in thus founding their claims for right government upon previous grants, "the beginning of that constitutional rule which in the modern world has become the political law of civilised nations" (E. Lavisse, *Histoire de France*, iii. 201).

[1] Rymer, i. 117.

[2] *Regnum et sacerdotium.*

[3] *In jus et proprietatem.*

"under the protection of St. Peter and Ours your person and the persons of your heirs together with your kingdoms and all that pertains to them." Finally he declares that, by the consent of the Cardinals, he bestows upon the king the kingdoms of England and Ireland, to be held henceforth as a fief "according to the prescribed form," and directs that his heirs, on succeeding to the crown, shall publicly acknowledge themselves to be vassals of the pope and take an oath of fealty to him.[1]

The peace between King John and his subjects, which followed upon his submission to Rome, was not of long duration. Difficulties soon began again to arise between the bishops and the Crown as to certain ecclesiastical appointments. The tension almost reaching the snapping-point, Archbishop Langton summoned his suffragans, the abbots, and other prelates of the province of Canterbury, to meet him at Dunstable in the early part of January, 1214. Their grievances were found to have a deeper foundation than a natural irritation caused by any royal whim. The council complained that the Apostolic legate, Nicholas, bishop of Tusculum, had in several instances set aside the rights of canonical election, and had appointed prelates to vacant churches at the king's wish, whom they considered not fitted to such positions.[2] At the request of the assembly Langton sent a formal prohibition to the papal legate, forbidding him henceforth to act in this way against the rights of the Church of England. The legate Nicholas did not reply to this remonstrance, but at once sent off his associate Pandulph to Rome, to give his version of facts likely to come ultimately to the knowledge of the Curia. Pandulph faith-

[1] Wilkins, *Concilia*, i. 544. For some reason this same letter was again issued in the following February (Rymer, i. 119).

[2] *Minus sufficiens.*

fully carried out his mission, and his representations were undoubtedly prejudicial to the position and authority of Cardinal Langton at the Roman court. The legate's envoy took with him from England to Pope Innocent the final Charter of King John's submission, sealed with its golden "bulla," and he so extolled the king and his virtues to the Roman officials, that the representations of Simon Langton, the archbishop's brother, on the merits of the case, fell upon deaf ears.[1] In reality, however, the king's Charter and the pope's confirmation of it, assured that freedom of election for ecclesiastics for which the archbishop and his suffragans had contended.

Meantime Langton's determination to force the king to govern his people justly and honestly, was apparently altogether misconstrued by Innocent III and his advisers. As a result of this unfortunate misunderstanding of the real situation in England, and of the true character of King John, the pope in March, 1215, addressed a letter of reproof to the archbishop and his suffragans. "We are astonished," he writes, "and are deeply moved! We regard it as a very grave matter, and one most hurtful, that after peace had been happily restored, to the honour of God and His Church, between you and our beloved son in Christ, John, the illustrious king of England, you should have so far disregarded the settlement, as to aid in the dissensions between him and some of the barons and their accomplices. You have pretended not to recognise their existence, and have not interposed your authority to repress the discord. You cannot be ignorant of what will take place if these dissensions be not allayed by prudent counsel and unremitting care. From them there may easily happen some great scandal to the whole kingdom, which will not be ended

[1] Matth. Paris, *Chron. Maj.*, ii. 572.

without the expenditure of much money and without great labour. Some even expect and say, that in the dispute with the king, you have given both help and countenance (to his opponents), since these matters were never raised in the reigns of the king's father or brother, nor in his own, indeed, until peace between him and you had been made."

"We altogether condemn this attitude, if, as is asserted by many, conspiracies and plots are being made against him, or the people irreverently and undutifully are presuming to demand by force, what they should have asked for with humility and submission, if, indeed, there were any occasion at all to request anything." The pope then orders the English bishops to try and end, if necessary even by means of the spiritual sword of excommunication, all these discords. They are to warn the nobles that they must be reconciled with the king and serve him as faithfully as their ancestors had served his predecessors. On his part, the pope says, he has asked and begged the king to listen to any just demands that may be made to him, and to remedy any real grievance.[1]

On the same day Pope Innocent III addressed a letter to the barons couched in almost the same terms. This was followed a few days later by a brief epistle likewise directed to the barons, in which he wrote that the king had complained to him that his nobles would not pay the accustomed scutage which he had great need of in order to pay his army. The pope expressed the hope that they would not prevent, by their refusal, this pious intention—*pium propositum*—of the king to pay his debts; and he "commanded them by his apostolic letters" not to persist in their refusal to satisfy their king in this matter.[2]

Innocent III was evidently quite misinformed as to

[1] Rymer, i. 127. [2] *Ibid.*

the real state of affairs in England and completely ignorant of John's true character. By his mock humility in resigning his crown into the pope's hands, when he had come to the last extremity, and by his promise of a yearly tribute to the coffers of St. Peter, the English king had secured the ear of the pope and the important influence of his legate in England, even as against Cardinal Langton and the English bishops. What was to be done? As we ponder over the documents to-day, even in the light of subsequent events, the situation appears difficult enough. What must it have been for true churchmen and loyal patriots like Langton and his suffragans, who knew their king only too well, and who felt that his astute diplomacy had completely hoodwinked Nicholas the legate, the able Pandulph, and through them the great pontiff who ruled the Church?

In the ever memorable year 1215 Easter fell on 19th April, and in that week the barons met at Stamford.[1] In the matters at issue between them and the king there was no room for discussion. The barons were determined to force their sovereign once for all to keep the solemn promises he had so frequently made to confirm the Charter of King Henry II. "They were all leagued together and bound by oath," writes the chronicler, "and they had Stephen (Langton), archbishop of Canterbury, as their main support."[2] King John sent for the archbishop and deputed him and the earl of Pembroke to find out from the barons what their exact demands were. These were drawn up and a paper written containing the headings of what they asked, which were mainly taken from the old laws of Edward the Confessor and the Charter of Henry. The king refused to consider what he held to be monstrous restrictions on his

[1] Roger de Wendover, *Flores Historiarum* (Rolls ed.), ii. 114.
[2] *Ibid.*, 115, *capitalem consentaneum.*

regal rights: and both sides prepared for the final stage of the struggle, which ended with John's capitulation at Runnymede a few weeks later and the royal assent to Magna Charta.[1] It is important to note that throughout the negociations, the bishops with Langton at their head and some few of the nobles, although determined to force King John to grant the long promised liberties to his subjects, were able to maintain throughout friendly relations with him. They were, what Roger de Wendover calls, quasi-partisans of the king (*quasi ex parte Regis*) and they were thus able in the end to bring him to reason.

Meantime John was very busy in Rome. Events had moved somewhat more rapidly than was anticipated, or the Roman authorities were too slow in acting, and in the issue the king was for the moment left unprotected by his suzerain, and was forced, as we have seen, to make what terms he could with his long-suffering subjects. But so far as the pope was concerned matters were not allowed to rest where the king's capitulation had left them. In the previous February of the year 1215, "induced," writes the chronicler, "rather by fear than love,"[2] John had taken the cross. His cunning had detected in the privileges accorded by the Church to the person of a Crusader additional security for postponing the evil day. He hoped that his crusading design would be another motive to induce the pope to interpose his supreme authority to save him from the hard necessity of keeping faith with his subjects.

As time went on, and the collapse of John's resistance seemed inevitable, he wrote a piteous letter of appeal to the

[1] Copies of the Great Charter were ordered to be deposited in the cathedral churches and monasteries of the realm, but it was not enrolled on the Patent or Charter Rolls. This Dr. Reinhold Pauli regards as "an evident proof of the king's intention that it should never become a law of the realm."

[2] Matth. Paris, ii. 585.

pope. This was on 29th May, less than three weeks before the sealing of the Great Charter at Runnymede. It could not have reached Rome before that event, but it is most instructive as to the king's real sentiments at the time. After thanking the pope for the letters he had written to him, and in his behalf to the bishops and barons, he says that the papal admonitions had fallen on deaf ears. He complains, too, that the archbishop and his suffragans had omitted to execute the pope's commands to put a stop to the discontent by a few timely excommunications. "For our part," he continues, "we declare to our people that our kingdom is part of the patrimony of St. Peter, and that we hold it of St. Peter, from the Roman Church and you."

Over and above this, "we tell everyone that we are one of the *cruce signati*, and claim the benefit and privilege of crusaders, namely: that we be not disturbed in our possessions, so as not to be forced to consume in defending them what we have proposed to expend on an expedition to the Holy Land. For this reason we have appealed through William Marshall, earl of Pembroke, and Earl Warren against the disturbers of the peace of our kingdom. But even because we are a Crusader we have desired to act with all humility and gentleness, and, without prejudice to our appeal, we have offered the barons to abolish all bad customs, by whomsoever introduced in our times, and also to eradicate all such evil practices as had come into existence in the reign of our brother Richard. With regard to the customs introduced in the days of our father, we have further promised that we, with the advice of our faithful counsellors, will amend any that can be shown to be injurious. But the barons are not content with these promises nor with others, and have refused them all."

King John then passes on to say that he had requested

the archbishop of Canterbury to compel the obedience of his barons, according to the tenor of the pope's letters by the spiritual weapon of excommunication, but that Cardinal Langton had demurred to this course. He had persistently refused to pronounce any such sentence, saying that he knew well what the pope's mind was on such matters. He had, however, undertaken, if he, the king, would get rid of the foreign mercenaries he had imported, to do what he could for him. After this, he continues, we offered, through the archbishop, to submit the whole matter to you, the pope, through eight representatives, four appointed by me, and four elected by the barons. This too they rejected.

Further, the king desired to remind the pope that, as a necessary consequence of these continued disturbances, he had been obliged to give up his journey to the Holy Land, and consequently he could not now say when he would be able to undertake it. Moreover, in thus abandoning his expedition, many others who were going with him had been prevented doing so. "Finally, O venerated Father," he concludes, "in the presence of Brother William, a member of your court, and of the venerable Fathers, the bishops of Coventry and Worcester, we offered the said barons to submit to your Benignity all the demands they have made of us, that you, who enjoy the plenitude of power, might determine what is just; and they refuse all these offers. Wherefore, loving Father, we have determined to expose the present state of things to your Lordship, that in your kindness you might determine what should be done."[1]

Innocent III replied at once on the receipt of John's letter. He wrote in haste, for his reply is dated June 18, only three weeks after the dispatch of the king's communication. It was too late, however, to affect the situation.

[1] Rymer, i. 129.

Although of course the pope did not then know it, the Great Charter had been agreed to and sealed three days before the issue of the papal letter, which is addressed to Langton and the other English bishops. The king's agents, he says, had represented to him the difficulties which surrounded their royal master. He does not understand the situation. Long ago he had urged the king, in remission of his sins, to treat the barons with mildness and listen to their just petitions. "Why cannot they put an end to these contentions by the means sanctioned by the laws and customs of their country?" The barons had not even waited for his reply; but after the king had taken the cross and had promised them more than justice, they had taken up arms against him. They did not appear to feel concern that their action prevented the work of liberating the Holy Land, and forced the king to spend money intended for the Crusade upon resisting the destruction of their own country. What was most "wicked and absurd was, that when the king in his perversity had offended God and the Church, they had helped him; but that, when he had turned again to God and satisfied his Church, they then attacked him." To permit this would be an injury to God, to the Roman Church, and to the pope, as well as to the king, and would be a danger and a menace to the kingdom. "Wherefore," continues the document, "greatly desirous of procuring, as indeed we are bound to do, the peace of the kingdom of England, (we determine) to put down these disturbances and to protect the said king, who is our vassal, from injustice and injury; particularly as, by reason of the cross he has assumed, he is under our special protection. We therefore strictly enjoin upon the aforesaid archbishop and his suffragans, in virtue of their obedience, that they proceed to the excommunication of the said barons, if after eight

days after being warned "they refuse to make their peace with their sovereign."[1]

Before this letter could reach England, and, indeed, before it was penned, it had been stipulated by the barons at Runnymede that all foreign mercenaries were to be disbanded and forthwith sent out of the country, and that, for two months before the provision of the Charter became effective, London should remain in the keeping of the barons, Cardinal Langton holding the Tower. Further, that twenty-four of their number should be constituted guardians of the liberties of their country, with power, should there be any attempt to ignore the provisions of the Charter, to declare war against the king.

John did not rest calmly under these repressive measures. The sequel shows that he had never meant to keep faith with the barons. He had only sworn to the provisions of Magna Charta because he could not help himself, and to gain the time necessary for once more invoking papal assistance. By 27th June, and before the reply of the pope to his former letter could have reached England, his messengers, including Pandulph, then bishop-elect of Norwich, and the agent for the Curia in England, were on their way to Rome with a fresh appeal for help. "We humble ourselves," the king writes, "in the sight of your Paternity. As far as we know how and are able, we thank you deeply for the care and solicitude which your paternal loving kindness has unceasingly devoted to our defence and that of our kingdom of England. But the hard-heartedness of the English prelates and their malicious disobedience prevents your loving designs from having effect.

"We, however, eagerly turn once more to your clemency, knowing the true affection you have for us. Although for

[1] P.R.O. Papal Bulls, Box lii. No. 2.

the moment you are looked upon by the proud and evil-minded, in their folly, as powerless, by God's help you will protect us and secure us peace, and bring terror and confusion upon our enemies. Though indeed Pandulph, your trusty subdeacon and the elect of Norwich, is most necessary here in England, faithfully and devotedly to further the interests and honour of the Roman Church and yours, as well as that of our whole kingdom, still because in no better way could your Paternity be made acquainted with our state and that of our realm than through him, we have unwillingly dispatched him to your feet. We earnestly beg that when, through him and our other trusted messengers, you shall have understood the injury offered to you in our person, you will stretch forth the hand of your paternal care to secure the right order of our kingdom and our dignity, in whatsoever way your discretion shall think best, as through God's grace you ever laudably do and have done.

"Know for certain, that, after God, we have in you and in the authority of the Apostolic See our one and only protection and we live trusting to your patronage."[1]

Pandulph and the king's envoys related in detail to Innocent III the discussions which had taken place between the king and his barons. They told him that King John "had publicly protested that England in a special manner belonged to the Roman Church as to an overlord,"[2] and that for this reason he—John—neither could nor ought to pass any new law, or change anything in the kingdom to the prejudice of the Lord Pope, without his knowledge. For this reason, "when having made his appeal, he had put himself and the rights of his kingdom under the pope's protection," the barons at once seized London, the capital

[1] Rymer, i.‡135. [2] *Ratione dominii.*

of the kingdom, and forcibly "demanded from the king confirmation of the privileges they claimed. And he, fearing their violence, did not dare to refuse what they demanded."[1]

John's messengers then pointed out to the pope certain articles in the Great Charter which they suggested were plainly subversive of all royal authority. After Innocent III had carefully examined these he exclaimed with energy: "Do these English barons want to drive from his kingdom one who has taken the cross and thus placed himself under the protection of the Holy See? Do they desire to transfer to someone else the dominion of the Roman Church? By St. Peter, we cannot allow this injury to pass unpunished." Then "after deliberating with the cardinals, by a definitive sentence he condemned and annulled the aforesaid Charter which granted certain liberties in the kingdom of England, and as evidence of this judgement" he issued a bull on the subject addressed to the whole world.[2]

In this document, dated 24th August of this year, 1215, Innocent III recorded the humiliation and penitence of John for his former misdeeds; his free gift of the kingdoms of England and Ireland to St. Peter and the Roman Church; his public profession of fealty and his promise of annual tribute. More than this: the king had taken the cross and had really intended to go to the war in the Holy Land, if the devil had not stirred up these dissensions in his kingdom, by which he was prevented from carrying out his design. When made acquainted with these troubles he, the pope, wrote to Cardinal Langton and the other English bishops to put a stop to the disorder, even if they had to have recourse to the spiritual sword. And at the same time he had warned the king to treat his subjects well and redress any substantial grievance, in accordance with the

[1] Roger de Wendover, *Chronica*, ii. 138. [2] *Ibid.* 139.

laws and customs of the realm. "But," he continues, "before the messengers with this just and prudent order could return to King John, the nobles rejected their oaths of allegiance. Even had the king oppressed them unjustly, they ought not to have acted against him as they had done, presuming to band themselves in arms with his known enemies, occupying and despoiling his lands, and even seizing the city of London, the capital of the kingdom, which was traitorously betrayed into their hands."

Furthermore: when on the return of our messengers the king offered them full justice, in accordance with the tenure of our commands, they rejected these overtures for peace, with others of a similar nature. Finally, seeing that the dominion over the kingdom belongs to the Roman Church, and that consequently he neither could nor ought to act in prejudice to our rights, the king proposed that they should appeal to us. When this, too, was of no avail, he "asked the archbishop and bishops to obey our order to defend the rights of the Roman Church and to protect him, according to the privileges of all who had taken the cross." At length, when they had refused to do this, he, finding himself left without help, no longer dared to refuse what was demanded of him. In this way "he was compelled by force, and by that fear which may seize upon even the boldest of men, to enter into a treaty with them. This treaty is not only vile and disgraceful, but unlawful and wicked, and calculated to greatly diminish, and gravely to derogate from his royal rights and honour." Wherefore, "because to us has been said by the Lord that of the prophet: *I have set you over peoples and kingdoms, that you may raise up and destroy, may build up and plant*,[1] as also those words of another prophet: *Loose the bands of wicked-*

[1] Jerem. i. 10.

ness, undo the bundles that oppress"[1] (we are forced to take action). "We are unwilling to pass over such brazen wickedness perpetrated in contempt of the Apostolic See, to the destruction of all royal prerogatives, to the scandal of the English nation, and to the grave danger of all Christian people, unless everything is revoked by our authority. We consequently condemn and utterly reject this composition, forbidding the king under an anathema to observe it, or the barons and their accomplices to require its observance. We annul and declare void not only the Charter itself, but the obligations and pledges given by the king for its performance."[2]

On the same day the pope addressed a brief, couched in almost identical terms, to the English barons. At the close of this letter he suggested that, when the archbishop and bishops were present at the General Council which was shortly to be held, the barons might send proctors to represent their grievances to him, and he pledged himself to examine into them and to redress them.[3] "But," writes the chronicler, "when through the king's instrumentality the nobles of England received these condemnatory and threatening letters, they were unwilling to surrender what they had gained, but began the more strenuously to band themselves together against" the king.[4]

So far as the influence of Cardinal Langton was concerned, matters were not improved at the Roman Curia by the sympathy shown in the North for the archbishop's attitude. The see of York was vacant; and the canons, having obtained the royal licence to elect, set aside the candidate suggested to them by the king, and made choice of Simon Langton, the cardinal's brother, as their

[1] Is. lviii. 6. [2] Roger de Wendover, ii. 139-143; cf. Rymer, i. 135.
[3] Rymer, i. 136. [4] Roger de Wendover, ii. 145.

archbishop. John forthwith dispatched messengers to Rome to prevent the pope's confirmation of this election. These envoys did not hesitate to declare that "the archbishop of Canterbury was a public enemy of the king of England; that he had given his help and counsel to the barons against his sovereign, and that if Simon Langton, his brother, were now promoted to the archiepiscopal see of York, there would be no peace for the king and kingdom." The pope listened to their objections, quashed the election[1] and forbade Simon Langton ever to return to England.

Meantime, before, or almost before, Pope Innocent's condemnation of Magna Charta could have reached England, King John was again complaining of his irreconcilable barons. On 13th September he wrote to the pope and, after expressing his "reverence due to such a Father and Lord," he tried to make out that the hostility of his subjects to him was due to his surrender of his kingdom to the Roman Church. "The earls and barons," he writes, were devoted to us before we submitted ourselves and our country to your dominion. From that time, and specially on that account, as they publicly state, they are violently opposed to us. "We however," he continues, "believe that, after God, we have in you a special Lord and patron, and that our protection and that of the whole kingdom, which is yours, is committed (by Him) to your Paternity." Consequently our business is indeed yours; we hand over all our authority to your Holiness and will approve whatever, upon the information of our messengers, you may think well to ordain.[2]

No direct reply to this communication is, apparently, extant. Innocent III, however, immediately sent a letter to the bishop of Winchester, Pandulph and others, excom-

[1] Roger de Wendover, ii. 153. [2] Rymer, i. 138.

municating the barons generally. "We are greatly astonished and moved," he writes, "to understand that, when our beloved son in Christ, John the illustrious king of England, had, beyond all expectation made satisfaction to the Lord and His Church, and in particular to our brother Stephen, the archbishop of Canterbury, and the bishops, they failed to protect and help him during the disturbances in the kingdom, which is known to all to belong to the Roman Church, by right of lordship. In this they made themselves abettors (*conscii*) not to say associates, in that wicked conspiracy, since he who fails to oppose a manifest crime cannot free himself from the taint of his evil company."

"See how these bishops defend the patrimony of the Roman Church! See how they protect those signed with the cross! Aye, see how they oppose those who strive to destroy the work of the Crucified One! Of a truth they are worse than the very Saracens themselves, since they desire to drive from his kingdom one from whom it was hoped help would be given to the Holy Land." The pope then goes on to excommunicate all disturbers of the peace of the king and kingdom, and to place their lands and possessions under an interdict. He charges the archbishop and bishops in virtue of obedience to publish this general sentence, on all Sundays and Feast days, until all shall have made their peace and returned to their obedience. And, continues the document, "if any of the bishops neglect to fulfil this our precept, let them know that he is suspended from the episcopal office, and his subjects released from their obedience to him, since it is but just that he who refuses to obey his superior shall not be obeyed by his inferiors."[1]

On receiving this letter, the bishop of Winchester and

[1] Rymer, i. 138.

Pandulph went to the archbishop and required him in the pope's name to order his suffragans to publish it, and to do so himself in the diocese of Canterbury. They reached him only as he was actually on shipboard, waiting to cross over the Channel on his way to the General Council, and he asked them to leave the matter until such time as he could himself speak with the pope. He refused to publish the document until he had been able to explain to Innocent III the real state of the case. Pandulph and his fellow envoy, however, construing Langton's attitude into absolute disobedience to the authority of the Holy See, at once declared the cardinal suspended and forbade him to enter any church or to say mass till the suspension had been removed by proper authority. And, writes the chronicler, "humbly observing this suspension, the archbishop set out for the Apostolic See." Immediately upon his departure from the country, the bishop of Winchester and Pandulph, as they were directed, themselves published the excommunication. The barons, however, on the plea that no one was specifically mentioned by name in the sentence, wholly disregarded it.[1]

The Fourth Council of Lateran met in Rome in November, 1215. During the sessions of this assembly, the proctors of the English king charged Archbishop Langton with aiding and abetting the barons in their opposition to their sovereign, with refusing or neglecting to declare the papal condemnation of the barons' action, and finally, with declining to give any undertaking that he would publish the recent excommunication, for which he had been suspended by the bishop of Winchester, and had come on to Rome. Langton refused to reply or plead, and only requested to be absolved from the sentence passed on him in England. The pope would not consider his petition, and having taken

[1] Roger de Wendover, ii. 155.

counsel with the other cardinals, confirmed the sentence of excommunication. Moreover, by a letter addressed to the bishops of the Canterbury province, and another directed to the laity and clergy, he charged them not to obey their archbishop "until such time as by his conduct he should merit absolution."[1]

The king was elated at the success of his diplomacy in Rome. He went in person to St. Alban's with the letters of suspension, and ordered them to be read in his presence to the monks assembled in chapter. He afterwards sat in the cloister for a long time, talking over the measures he was now going to take against any others who were opposed to him.[2] It may here be noted that in the following year Cardinal Langton was absolved from the suspension under which he lay, upon giving his personal pledge not to return to England until the disturbances were entirely over.

King John soon made known throughout the country the pope's determination to put down all opposition to him. In December, 1215, further letters were procured from Rome excommunicating the leaders among the barons, personally and by name.[3] John's mercenaries, whom he was pledged to disband and send out of England, were now turned loose on the estates and possessions of the barons. They were encouraged to rob and butcher without mercy. Outrages were committed by one army of these foreigners in the north of England and in the fen country, whilst a second was engaged in a similar work of destruction and rapine in the south. This state of things lasted for three months, and everywhere the barons lost ground and suffered great losses. But, writes a contemporary, "they received the news of their misfortunes with Christian fortitude, saying, 'The

[1] Roger de Wendover, ii. 160; cf. Rymer, i. 139.
[2] Matth. Paris, *Chron. Maj.*, ii. 635.
[3] Rymer, i. 139.

Lord gave, and the Lord hath taken away.' These things must be borne with a brave heart." But when other nameless horrors, which had been committed by the king's orders, were told them, they exclaimed: "This is the beloved son in Christ of the pope, who protects his vassal by trying to subjugate this free and noble country in this unheard of manner! Alas! that he, who should heal the ills of the world, should be found openly to destroy the bodies of the poor, whom we are taught to call the Church."[1]

Driven to despair, the barons took a desperate step. Not seeing any other hope, they determined to invite Louis, the son of Philip of France, to come to their help, offering to make him king of England. After some brief negociations, Louis agreed to their proposals, and some of his French nobles reached London towards the end of February, 1216, bringing letters from Louis, who promised to be in England about Easter.[2]

Before this time, however, the pope, informed of the intention of the barons, had dispatched his legate, Gualo, into France to prohibit the expedition. Gualo was instructed to say that "the king of England was the vassal of the Roman Church, and that the pope would protect him, whose kingdom belonged to the Roman Church by the title of Lordship." On hearing this statement, the French king protested: "The kingdom of England," he said, "had never been part of the patrimony of St. Peter, nor is it now, nor ever shall be." Philip added that, in his opinion, John was not king of England at all, since he had been convicted of treason against his brother, King Richard, and consequently, "as he was not king, he could not give away a kingdom" that was not his to give. Besides this, he argued, even if he had ever been the rightful sovereign, "he had afterwards forfeited

[1] Matth. Paris, *Chron. Maj.*, ii. 637. [2] Roger de Wendover, ii. 174.

the kingdom by the murder of Arthur, of which he had been convicted" in the French royal tribunal. He then went on to point out to Gualo that no king had any right to give away his kingdom without the assent of his barons, who had taken their oaths to him, and "should the pope determine to maintain this erroneous view, it would afford a very pernicious precedent to other countries." Upon this declaration of the French king, his nobles affirmed that they were ready to maintain to the death that no king or prince could surrender his kingdom to another, or make it tributary.

The following day, the papal legate made another attempt. He appealed directly to Louis not to go to England and thus "invade the patrimony of the Roman Church." King Philip replied for his son, saying: "I have ever been a faithful and devoted son of the Lord Pope and of the Roman Church. Hitherto I have always, and in all matters, promoted its interests, and I would not now counsel my son, Louis, to do anything against the Church. And now let us hear what he has to say for himself." Thereupon the French prince declared that in his opinion, also, John had ceased to be the rightful king, not merely because of the murder of Arthur, but also because, without the assent of his barons, he had given up his kingdom to the Holy See, and had promised to pay a yearly tribute in recognition of Roman rights over the country. His resignation of the crown, he argued, gave John no claim to take it again at the hands of the pope. The barons had a perfect right, on his resignation, to make what choice they liked; and they had, in the exercise of this, elected him, in right of his wife, whose mother was the sole survivor of King John's brothers and sisters. This right, thus conferred upon him, he meant to maintain in spite of everything, even of the ex-

communication, which he understood the legate was prepared to pronounce upon him.[1]

This action of the legate somewhat delayed the journey of the French prince to England. Finally, however, he landed in this country on 19th May, 1216, and was followed almost immediately by the legate Gualo, who was sent over by the pope to protect, as far as possible, the interests of King John.

The subsequent successes and failures of either party are not of present interest. Meantime, however, it may be noted that the envoys of Prince Louis were busy in Rome trying to convince Pope Innocent III that he had been hitherto supporting a man wholly unworthy of his confidence. If we are to believe our chroniclers, they had already made some progress in their diplomacy, and the pope had already got so far as to say that he would wait till he had heard what his legate, Gualo, had to say on this subject, when, on 16th July, the great pontiff died, leaving the settlement of the difficulties in England as a legacy to his successor, Honorius III.

[1] Roger de Wendover, ii. 177.

CHAPTER II

THE WORK OF GUALO THE LEGATE

THE death of King John himself on 16th October, 1216, three months after Pope Innocent III, was a most fortunate event for the country. Had he lived longer and had the barons, with the help of the French, succeeded in their design of deposing him, as it is more than likely they would, England might have become, with Louis upon the throne, a dependency of the French kingdom. This catastrophe, as well as the scourge of a long-continued civil war, was averted by the sudden illness and death of the king, and by the energy and determination of the pope's legate, Gualo.

The tender age of John's son, Henry, at the time of his father's death, was a factor greatly in his favour, and helped him to win back many of the barons who had renounced their allegiance to his father. Their main reason for desiring to get rid of the rule of the faithless John ceased with his death. Prince Henry, a lad only ten years old, had not committed those crimes by reason of which, at least in the opinion of most Englishmen of the day, his father had been thought to have forfeited his right to rule. Neither had the lad, of course, been a party to the surrender of his kingdom to the pope, by which move John had cunningly contrived to preserve his crown at a critical moment; for, however much the nation had tacitly connived at the act, at heart it undoubtedly disliked it. Moreover the new king

had no personal injuries to avenge on those who had raised the standard of revolt against his father's rule.

All these, and other like considerations, tended to make the work of final pacification less difficult now that John had been laid to rest in his tomb at Worcester. But undoubtedly the mind that watched over and fostered the work was that of the recently chosen pope, Honorius III, and the agent that carried out his instructions in England was Gualo, the Cardinal legate.

On October 12th, 1216, just four days before he was called to his long account, John had written to the pope in view of his approaching end. He is suffering, he says, from a serious and indeed incurable malady, and feels that he is not long for this life. He is tortured with anxiety how best to provide for the future of his kingdom that it might prove to be "to the honour of God and of the Holy Roman Church." Whilst seeking for some way to untie the knot of difficulties which seemed to threaten the inheritance and succession of his heir, "by an inspiration of God who never deserts those who rely on Him," he says, "I recalled the fact that as our kingdom was now the patrimony of Saint Peter and the Holy Roman Church, it was securely defended by a divine and apostolic protection. Whereupon, calling the nobles faithful to us, we determined to commend our kingdom, which is really your kingdom, and our heir to your protection and that of the Holy Roman Church." He writes these letters, therefore, to crave "humbly and as it were on bended knees" the pope's fatherly protection for the kingdom and his son against the "enemies of the Holy Roman Church."[1]

Almost before this petition could have left the country the king was dead. After the obsequies had been celebrated

[1] Brit. Mus. Add. MS., 15,351, f. 28; cf. Raynaldus, *Ep.* 141.

at Worcester, the youthful Henry and his supporters among the barons, with the bishops and abbots who had attended the funeral, passed on to Gloucester. Here the new king was anointed and crowned king of England on 28th October, 1216, by the Cardinal legate Gualo.[1] Jocelin, bishop of Bath, administered an oath to him "that he would strive for the honour, peace, and reverence of God, of Holy Church and its commandments all the days of his life: that he would rule according to justice, and if there were any bad laws or abuses that he would cause them to be abrogated."[2] After this "he did homage to the Holy Roman Church and the pope" in the person of the legate, for the kingdoms of England and Ireland; and swore to pay the thousand marks yearly, which his father had undertaken to give, as long as he held the kingdoms."[3]

On the news of the king's accession reaching him, Honorius wrote a letter of fatherly exhortation "as to a special son of the Roman Church." Since "the fear of God is the fount of life," he says, "so I pray and earnestly exhort your Majesty to accustom yourself from your youth to that fear of the Lord. May you ever govern yourself by means of that thought and restrain yourself from vice. May your study always be how to imbue yourself with every virtue. May you reverence Christ's Spouse, the Church, and its ministers, in whom, as the same Lord has declared, He Himself is honoured or despised. In this way, growing from grace to grace and from virtue to virtue, may you govern a people subject to you in the beauty of peace and the riches of contentment. And may the Lord add day

[1] Rymer, i. 145. Matth. Paris says he was crowned by the bishops of Winchester and Bath; the king himself, that it was Gualo who did so. Cardinal Langton, the archbishop of Canterbury, was still in Rome.

[2] Matth. Paris, iii. 1.

[3] *Ibid.*, iii. 2.

unto day and multiply the years of your life until from this earthly and transitory rule He shall translate you into the everlasting kingdom of Heaven. And since manners are formed by associates, strive to have for your firmest friends upright and honest men who, sincerely desiring your safety and honour, may be ever ready to suggest to you how you should please God and men." [1]

Gualo, the legate, did not allow time to pass inactively. From the first he took the initiative. On St. Martin's day, November 11th, he presided over a council at Bristol in which he compelled the eleven bishops who were present, and many other inferior prelates, besides the earls, barons and knights who had come at his summons, to swear fealty to the new king. He placed Wales under an interdict because it favoured the barons against Henry, and he formally excommunicated all the nobles who sided with Louis of France, as also their aiders and abettors.[2]

Meantime, if the legate was full of activity, the party of the recalcitrant barons was not less so. For the last six months of the year 1216 fortune seemed to favour the advocates of the French succession. On 1st December, Pope Honorius made an appeal to those "who had not as yet obeyed the order of the Apostolic See," to return to their natural obedience to their sovereign. Up to this time, he said, you have declared that you were fighting King John, your legitimate lord, because he put "an intolerable yoke of slavery" upon you. But now that he is dead, if you do not return to your obedience, you cannot excuse yourselves "from the sin and guilt of traitors." You are now

[1] Matth. Paris, iii. p. 34. This letter is inserted in the *Chronica Majora* among the events of 1218. It is only known through Matthew Paris, as so many other documents of this period. Potthast (*Regest. Pontif.*, 476) places it between August and December, 1216.

[2] Wilkins, *Concilia*, i. 546.

opposed to his son, "who is entirely innocent" of all you charge against the father. He then urges them to return to their duty, for it is his special business to "watch over the orphan," "since the late king left in our hands and to our guardianship his orphaned children and his kingdom in the secure trust that we would provide for them." "Moreover," he continues, "because we would not conceal any motives from you, besides the above reason, we are bound to protect the rights of the people and to see that justice and judgement is done to them, since the kingdom belongs to the Apostolic See. We will, as far as God gives us the power, raise our hands in their defence and in that of the kingdom. We will invoke heaven and earth against your pestilent wickedness." [1]

This letter was followed on 3rd December, two days later, by one to the legate, Gualo, encouraging him to work strenuously in the interests of the young king. The pope begins by expressing his sorrow at hearing of the death of the late king. He had loved him, he writes, "with sincere love in God, as a vassal of the Roman Church and as a special son." He goes on to express his fears that Gualo's cares and labours will be greatly increased by new anxieties to guard the interests of the young king, to whom the pope is bound to afford every protection and assistance. He is not without hopes, however, that God may turn the death of the father to the advantage of the son, and that those who had rebelled against John might now return to their allegiance to Henry. He charges the legate, as a sacred duty, to watch over the youth of the king and over the kingdom, and for that purpose Honorius gives him ample power to act in his name. In particular, he is at once to condemn as unlawful the oath taken by the barons to Louis.[2] On

[1] Brit. Mus. Add. MS., 15,351, f. 33.

[2] *Ibid.*, f. 35.

the same date, and in much the same terms, the pope writes to the bishop of Winchester and other bishops and barons, referring them to Gualo, to whom he had given special powers.

The young king spent Christmas at Bristol with the legate and William Marshall, the earl of Pembroke, who was governor of the kingdom.[1] Many of the English nobles were much disturbed as to their position. They had begun to fear that the French promises could not be relied upon, but hesitated to take the steps necessary for making peace with their sovereign. Meanwhile, wherever the royal cause could hope to secure protection from the church authority, by order of Gualo the solemn sentence of excommunication was, Sunday by Sunday, pronounced against all who continued to support Louis.

On 19th January, 1217, Pope Honorius wrote to the earl of Pembroke as the king's guardian and regent of the kingdom. After expressing his sorrow at the death of the late king, and his joy at learning King Henry had been happily crowned by the papal legate, he directs him to make proper provision for the defence of the kingdom against the rebel barons and their French allies. He is to concert measures for the government of the country with the cardinal legate, to whom he has given ample powers to act in his place (*vice nostra*). At the same time Honorius III writes in a similar strain to the wardens of the Cinque Ports, to the archbishop of York, the Chancellor and others.[2]

[1] Roger de Wendover, ii. p. 204. The Council conferred on William Marshall the office, then specially created, of governor of the king and his realm. Bishop Stubbs was of the opinion that William Marshall was never "justiciar" or "Justice of England"; but he is so named at least four times in the records. (Cf. G. J. Turner, *The Minority of Henry III* in *Transactions of the Royal Hist. Soc.*, xviii. 246.

[2] Brit. Mus. Add. MS., 15,351, f. 77.

To the legate he had written two days previously more fully. He sent this letter back by the messengers who had brought Gualo's communication from England, asking the pope's direction on certain urgent matters. He bids him act as one possessing full legatine powers. To further the interests of king or kingdom, he need not hesitate to place districts and churches under an interdict, to excommunicate people, and even to dispossess and degrade prelates and others who remain in disobedience and rebellion. He may fill up vacant sees and abbacies in England, Scotland, and Wales with persons who are known to be faithful to the king and devoted to the Roman Church. As for the ecclesiastics who, in spite of the excommunication passed on Louis, still aid and support him, as he—the pope—does not himself know their names, he gives Gualo full authority to declare them deprived of their benefices, if after thirty days' warning they still continue to celebrate Mass, etc., whilst remaining wholly disobedient. In such cases the legate may appoint to the cures vacant by deprivation.[1]

Then, after allowing his representative in England to suspend the operation of the crusading vows in the case of those who can and will help the king of England, and bidding him declare null and void all oaths and promises taken to Louis, the pope concludes as follows: "It was suggested to us in your behalf, that as King John, when dying, committed the country, his children, and all his affairs to us and the Roman Church, it might be well, if we were pleased carefully to consider the question of a marriage between our beloved son in Christ, Henry, the late king's heir, and some person who might be useful to him and his kingdom." But as you and those who are faithful to him

[1] Brit. Mus. Add. MS., 15,351, f. 73.

have better means of knowing what is best in this matter, we leave it "to your watchful care."[1]

Early in the same year, 1217, Gualo and the earl marshal announced the coronation to the Justice of Ireland.[2] From internal evidence, the document appears to have been the work of Gualo,[3] who threw himself most vigorously into the government of the kingdom. Walter de Coventry, speaking of his activity, says: "He supported the king's party with all his might; commanding, warning, beseeching, urging, arguing, chiding, and drawing the sword of Peter against those who gainsaid his orders or disobeyed them; for such were his instructions."[4]

About the same time Pope Honorius writes a second letter to the boy-king. He tells him that he is watching over all his interests, as "the English king is specially subject to the Holy See." He is glad to hear that he has been crowned, and that he has succeeded his father "in devotion to the Apostolic See." "I have," he says, "great confidence in this, since you have dedicated the firstfruits of your life to the Lord your God, in determining to carry out your father's vow of helping the Holy Land, by yourself taking the cross and binding yourself with the consequent obligations. This we have heard with pleasure." I hope, he concludes, that God will ever guide you to prove yourself "faithful to the Roman Church, your mother," humbly following the advice of "our beloved son Gualo, our legate." For "whatever the said legate may have done concerning your person, and whatever in the future he may do, we ratify and approve it."[5]

[1] *Royal Letters of Henry III* (Rolls ed.), i. 527.
[2] Rymer, T., 145.
[3] G. J. Turner, *ut sup.*, 255.
[4] Walter de Coventria, *Memoriale*, ii. 233.
[5] Brit. Mus. Add. MS., 15,351 fol. 81.

The position taken up by the pope and his legate in regard to England does not admit of question. The kingdom "is known to belong specially to the Roman Church," it forms part of "the patrimony of St. Peter." These are fair samples of statements to be found in the papal letters of this period; and this position, moreover, appears to have been unquestioned by those who might be expected to raise objections. The protests of Philip of France and of his son Louis against the right of King John to create the extraordinary situation already referred to, stand alone or almost alone. So far as the English state papers of the period afford any evidence, the claims of the papacy were admitted to their fullest extent. It was the pope's right and duty, either directly or through his legate, to arrange even for the government of the State, and to take whatever measures might seem expedient to secure the peace of the country.

Cardinal Gualo fully acted up to the part assigned to him by Pope Honorius. In a letter to Philip of France the pope deplores the fact that his son, in still opposing Henry in arms, is fighting "against the Roman Church, the mother of all the faithful."[1] And in truth Honorius and Gualo are the real sources of government at this period in England. In July, 1217, for example, Gualo is directed "to appoint guardians and instructors for the king."[2] He is, indeed, to obtain the advice of the faithful nobles before making the appointment, but he it is that is to appoint. He is to cause the young king to make a progress through the country, "like a king," to excite the loyalty of the people; and he is directed to take every precaution for the safe custody of the royal seal. The assertion of Roger de Wendover,[3] that

[1] *Royal Letters*, etc., i. 529. [2] Brit. Mus. Add. MS., 15,351, f. 116.
[3] Roger de Wendover, ii. 211.

the king was at this time governed by the earl of Pembroke, but under the advice of the legate and the bishop of Winchester, is only less than the actual truth. It is Gualo who always appears in the forefront during the early years of Henry.

A few examples, beyond what have already been given, will make this position clear. Before the battle known as the Fair of Lincoln, fought in the week of Pentecost, 1217, the legate spoke to the royal soldiers as a man possessing authority. After having celebrated Mass in the presence of the entire army, he exhorted them in vigorous language to manifest courage and a determination to gain the victory. He then publicly excommunicated Prince Louis and all his followers, and in the name of the pope gave a Plenary Indulgence to all Henry's soldiers who had made confession of their sins.[1] On 8th July, 1217, the pope wrote to his representative in England that he quite agreed with his suggestion that the prelates should give an aid of money to the king. He ordered this to be done, and directed that the tax should be paid to Gualo: "that it may be spent by you on the needs of the king and kingdom," by the advice of the faithful barons. "But in this," he added, "you are to do as you think proper."[2]

The remainder of the letter is even more important, as enabling us to form a correct judgement on the political position of the pope in England at this time. Honorius III had been urged, he says in this letter, to appoint a coadjutor to the earl of Pembroke as regent, on account of his age, and because he was apparently considered somewhat dilatory. The name of the earl of Chester had been submitted to the pope as a proper man to share the regency, but the pontiff was not sure about the expediency of this. Most

[1] Roger de Wendover, ii. 213. [2] *Royal Letters*, etc., i. 532.

people in power, he thought, did not like coadjutors, and such an appointment might lead to friction and do more harm than good. He concluded, therefore, to leave the settlement of this delicate point to Gualo, who knew the condition of affairs in England and could make the appointment if he considered well. Still, if he did think proper to create a co-ordinate authority with the earl, the pope would be well pleased to see Richard Marsh, the chancellor, elected to that position.

On 11th September, 1217, eleven months after John's death, peace was concluded between the king and Louis of France, the terms being signed at Lambeth. We are not concerned here with these arrangements, beyond noting the fact that Gualo, the legate, as representing the pope, signed the document before the pope's vassal, King Henry.[1] Subsequently, too, Louis of France thought it right to seek for and obtain papal confirmation for the terms of peace arranged by the legate.[2] When the peace was concluded, Gualo's most pressing work was to see to the immediate pacification of the country, and he set about it at once. He formally absolved Louis and all who sided with him;[3] but from the benefit of this act of grace those bishops, abbots, and other beneficed clergy were excluded, who had taken part with or given help and encouragement to Louis. Simon Langton, the archbishop's brother, was specially singled out on account of his friendly attitude to the French; and, says Wendover, "many despoiled of their benefices were compelled to go to Rome by the legate. For, after the departure of Louis, Gualo sent officials throughout England, and if any ecclesiastics were found to have given the least encouragement or countenance to the French, no

[1] Rymer, i. 148. [2] Brit. Mus. Add. MS., 15,351, f. 155.
[3] Roger de Wendover, ii. 225.

matter to what order they belonged or what dignity they possessed, they were immediately suspended and deprived of their benefices. The legate lavishly distributed their livings among his own clerks, and by means of these condemnations all his own followers were enriched. Hugh, the bishop of Lincoln, when his See was restored to him, had to pay a thousand marks to the pope and a hundred to the legate. With this example before them many bishops and religious reconciled themselves to the legate by heavy and disastrous payments."[1] According to Matthew Paris, Gualo gathered in 12,000 marks,[2] and Walter de Coventry, the Barnwell annalist, adds that when summoned back to the pope, he took with him an immense sum of money, got together in some way or other.[3]

This done Gualo returned to Rome. After his departure, the king, or more probably the earl of Pembroke in his name, wrote to the pope expressing his thanks for all that the kingdom owed to him and to his legate; he would never cease to remember it, he says. It is the pope who has brought light out of darkness, and who has established him upon the throne of his father. He will most gladly pay the tribute to the Holy See, which indeed he is of course bound to do, "as to a most dear overlord," and he is greatly grieved that at the moment it is impossible, as he has charged the English envoys to explain. He is all the more sorry for the delay because "our beloved and venerated Lord Gualo, cardinal-priest and legate of the Holy See," has so often impressed on him the need of paying promptly. Gualo's "watchful prudence" has been most necessary in the times now past, and Henry renders Honorius his grateful thanks for sending, or rather for allowing, "so

[1] Roger de Wendover, ii. 240. [2] *Chron. Mag.*, iii. 32.
[3] Walter de Coventria, *Memoriale*, ii. 217.

fitting and excellent a guardian" to remain and to help him in the government of the kingdom. He trusts the pope will not misunderstand the meaning of the delay in making the due payment of the tribute, for he protests that he regards the pope "as being under heaven his supreme protector." He is sure that the pope will rejoice to hear that the country generally is returning to its allegiance.[1]

It will be noticed that in this document the pope's position is more than freely acknowledged, and that there appears no indication of any disposition to repudiate the annual tribute in acknowledgement of his suzerainty; on the contrary, it is declared to be a debt that must be paid as soon as it should be possible to do so.

[1] *Royal Letters*, etc., i. p. 6.

CHAPTER III

PANDULPH REPLACES GUALO AS LEGATE

GUALO left England about the middle of November, 1218.[1] His last act before quitting the country was to interpose his authority on behalf of the barons of the Cinque Ports who, against the terms of the peace settlement, were still kept in prison by Louis. They had appealed to him as papal legate, pointing out their miserable condition and begging him to use his power in their behalf. Although by this time Gualo's special faculties had been withdrawn, apparently he did not hesitate to write at once to the earl of Pembroke "ordering him and warning him" to see to this matter, "as touching the honour of the king and kingdom."

Even before the late legate had left the country, Pope Honorius had appointed a successor. His choice fell upon Pandulph, already well known in England and well acquainted with the condition of things in the country. By birth the new legate was a Roman, and had been a clerk of the papal court under Innocent III. In the fifth year of the struggle between King John and that pope, on account of the appointment of Cardinal Langton to the See of Canterbury, Pandulph, who is described as a sub-deacon attached to the papal household, was sent into England to endeavour to put an end to the deadlock which had existed for so long a time. He and the companions of his expedition were

[1] *Chron. de Waverleia* (Ann. Mon., ii.), 291.

received with every mark of popular pleasure and reverence.[1] They met the king at Northampton in August, on his return from Wales, and, if we are to credit the annalist of Burton,[2] the papal envoys had a long conference with John in the presence of his barons. According to this account the king had asked the pope to send some one to England to discuss with him the possibility of coming to terms and obtaining relief from the interdict, which pressed heavily upon all classes in the kingdom. At the outset of the interview, however, he declared that he would never consent to Langton's appointment, and that if the archbishop came into the country he would have him hanged. It was in vain that Pandulph reminded him that it was at his royal request the pope had sent his representatives, and that in asking for such a mission, John had sworn to make full satisfaction to the Church, if it could be shown that he had acted in any way against its rights and privileges. Under the circumstances of the king's continued hostility to the archbishop appointed by Innocent, it was obviously impossible for him to remove the ecclesiastical interdict from the land. To all this the king replied; "I fully confess that the pope is my spiritual father; that he holds the place of St. Peter, and that in spiritual matters I am bound to obey him; but I am not bound to do so in temporal things, which are the prerogatives of my crown." Amongst these latter is the bestowal of archbishoprics, bishoprics, and abbacies, which former kings of England have always claimed to be able to do.

Pandulph would not allow that the obedience due from a Christian sovereign to the pope was confined to spiritual matters. "I say," he replied, "that you should obey the

[1] *Chron. Thomae Wykes* (Ann. Mon., iv.), 56.
[2] Ann. Mon., i. 207-217.

lord pope in temporals as well as in spirituals. When you took the government of the kingdom, did you not swear before God to be obedient to him and to rule according to the laws of the Church?" But the king still maintaining his attitude of hostility to Cardinal Langton, and refusing to accept him as archbishop, Pandulph declared him excommunicate and ordered the sentence to be published everywhere. He declared him to be deposed, and he absolved the people from their allegiance to him.

In spite of threats, John did not dare to lay hands on the papal envoys, and they were allowed to return to Rome. In a short time, however, a fresh crisis in the king's affairs made him apply once more to the pope; and on 27th February, 1213, Innocent III announced the appointment of the same nuncio, Pandulph, to confer with the king. He brought with him the conditions of reconciliation drawn up in conjunction with the royal messengers at Rome. On 13th May, Pandulph met John at Dover and threatened him with the immediate invasion of the kingdom by the French, should the conditions not be accepted. Two days later John had made his humble submission, and England became, as has been related, a fief of the Holy See. Although Pandulph, after a brief visit to France to bring back Langton and the exiled bishops, returned to this country, Innocent III appointed Nicholas, cardinal-bishop of Tusculum, to conclude the business of reconciliation, and Pandulph was relegated to a secondary position, chiefly connected with the gathering of ecclesiastical dues and fees into the papal exchequer.

In 1214 the mission of Cardinal Nicholas was brought to an end. Langton had appealed to Rome against the interference of the legate in appointments to vacant churches. Pandulph was dispatched to oppose the archbishop in the

Curia where he was then represented by his brother, Simon Langton. Although Pandulph carried the day, and gained a diplomatic victory for the legate by preventing the archbishop's case being fully considered, the representation seems in the end to have led to the legate's recall upon the final reconciliation. The departure of the Roman cardinal, however, made it more imperative for Pandulph to remain in the country. This he did during the rest of King John's reign, but without the official position of legate. His name occurs in the preamble of Magna Charter as one of the few who remained faithful to the king, and by whose counsel it was issued, and he is associated with the archbishops and bishops as one of the sureties for the general pardon promised by the king.

About this time, 1215, Pandulph was chosen to the vacant see of Norwich, and upon John coming to the determination to repudiate the provisions of the Great Charter, he thought of sending Pandulph to Rome to ask the pope to declare its provisions null and void. Before he left England, however, any hesitation Innocent III may have felt on the matter had been overcome, and the Bull quashing the Charter had been issued. Pandulph remained in England, and was associated, as has been pointed out, with the bishop of Winchester, in excommunicating those that refused to be reconciled to the king. On the arrival of Gualo, during the troubles of King John's last days, Pandulph retired once more into the subordinate position he had previously occupied under the legate Nicholas, and on the accession of Henry III he seems to have returned to Rome.[1]

On the recall of Gualo, in 1218, no one was better acquainted with the state of affairs in England, or better qualified to take up the work left by the legate than Pan-

[1] Matthew Paris, ii. 171.

dulph. On September 1, 1218, Honorius III wrote to the English archbishops and bishops announcing his appointment to the position,[1] and he forthwith set out for England. He was at this time still only bishop-elect of Norwich, and according to a special provision of the pope, so long as he remained merely bishop-elect, which indeed was to be whilst he remained papal legate, he was to be exempt from the canonical oath of obedience to the metropolitan of Canterbury.[2] This exemption was no doubt intended to give him more freedom in his high functions than he would have had as a suffragan of Cardinal Langton.

Pandulph, with full legislative powers, landed in England on 3rd December, 1218.[3] He found many important matters in Church and State already awaiting his settlement, and he began his work by an act of grace. Gualo, his predecessor, had deprived of their benefices a great number of ecclesiastics who had sided with Louis in the late troubles, and had even imprisoned many. Pandulph set all these at liberty, and even, where he was able, restored to them their benefices which had been confiscated.[4] "The first year of Pandulph's legislation," writes Mr. Shirley, "passed in almost unbroken success."[5] Through the mediation of the pope, no doubt on the initiative of the legate, the truce between France and England, which was on the point of expiring, was renewed for another four years.[6] Even before his arrival in England, Pandulph was charged to examine into the relations of Scotland with this country, to review the agreement already made, and to confirm or annul it as he should think best. In the event, a lasting alliance

[1] Brit. Mus. Add. MS., 15,351, f. 217.
[2] *Royal Letters*, i. 533.
[3] Radulphus de Coggeshall (*Chronicon Anglicanum*) (Rolls ed.), 263.
[4] *Annals of Dunstable* (Ann. Mon., iii.), 53.
[5] *Royal Letters*, etc., i., Preface, xxii. [6] *Ibid.*, 16.

was secured between the two countries by the betrothal of Alexander II to the young King Henry's sister.

In May, 1219, William Marshall, earl of Pembroke, the king's regent, died.[1] From this time the king's ministers governed in his name, Peter de Rupibus, the bishop of Winchester, acting as tutor, and Hubert de Burgh as justiciar. The relations of these chief officials to each other gave Pandulph, as legate, an exceptional position. Had they been in entire agreement on all matters of policy and government, the authority of the recognised representative of the "overlord" of a minor might not have become so paramount as it did during the next two years. From the death of the earl of Pembroke to Pandulph's recall in 1221, he really acted, as a modern writer has remarked, almost "as king of England."

A few instances will enable the reader to judge what the legate's position and authority at this time were, and

[1] In the important poem *L'Histoire de Guillaume le Maréchal*, edited by M. Paul Mayer for the Société de l'Histoire de France, an interesting account is given of the death of the earl of which a summary has been made by the editor (iii. 282 to 286). When the earl was ill at Caversham a council was held at Reading which the king, the legate, the justiciar, and many barons attended. This must have been about April 12, and at this meeting the earl marshal informed the king that it was necessary for the barons to elect someone to protect him and the kingdom. Upon this Peter de Rupibus declared that though the kingdom had been committed to the earl, the king had been committed to him. The earl replied that it was he who had given the king into his charge. After consultation the dying earl marshal declared that he had decided to entrust the king to God and the pope, and especially to the legate in their place. On the arrival of the king accompanied by the legate and some other magnates, the earl, taking the king by the hand, declared that he delivered him, in the presence of all there, to God, the pope, and the legate who represented them. After this, by orders of the earl, his son went to present the king to the legate in the presence of the barons, which he did, taking the youthful monarch by the hand, to the great annoyance of the bishop of Winchester. "So," says a modern writer, "Pandulph succeeded the earl marshal as regent, not by virtue of his appointment as legate, but in pursuance of the wishes of the earl, which the magnates of England ratified."—(G. J. Turner, *ut sup. Trans. of Royal Hist. Soc.*, xviii. 292-293.)

how fully they were acknowledged or acquiesced in. In May, 1219, almost immediately after Pembroke's death, Pandulph writes to the bishop of Winchester and de Burgh about the collection of the royal revenue—a mere matter of state. "Being solicitous," he says, "about the king's affairs, we direct that Walter Malclerc be joined to the sheriffs for the collections. On this matter we strictly warn and order that you direct the royal letters to the said (sheriffs)." [1]

Again on 4th July, in the same year, Pandulph wrote to the same two officials directing, and "strictly commanding" them, to redress some injury to one of his servants, so that "it may appear that you desire to procure the peace of the king and kingdom." To this note he adds: "We send you a copy of the letter from the king of Scotland, which we have received. When you have read it, write to us your opinion" upon the matter.[2] In the same months the legate writes to the same on the question of the Jews. "We can hardly tolerate any longer," he says, "the constant complaints of Christians as to the usury practised by the Jews." He hears from the abbot of Westminster that lately Isaac, the Jew of Norwich, has been demanding payments of the Jews before the justices. Now "being desirous to further the king's honour, which is much lowered by all this, as well as to help the Christians, we warmly ask and counsel you," he says, "for your own honour to order the said justices not to judge the above cases until we come into those parts." We will then see what remedy can be devised. At the close of this lengthy epistle, Pandulph returns to the question of the assessments for the royal dues. He expresses his wonder that his previous direction has not been carried out, and he "orders" the two nominal

[1] *Royal Letters*, etc., i. 27. [2] *Ibid.*, 35.

heads of the kingdom to do what had been provided in the matter.

In like manner the legate writes to de Burgh that he has postponed the day appointed for the submission of Llewellyn; he advises, nay orders, a secret mission to France; he sends for the reception of his temporalities the bishop-elect of Ely, who has been chosen by himself, to the archbishop and the bishop of Salisbury, as a commission appointed by the pope; he orders de Burgh to be at Worcester at a certain date, for the meeting with Llewellyn, which he had previously postponed; he warns him to stand firm against a threatened agitation of Londoners, and in a second letter on the same subject, he tells him that he is himself coming to London "to deal with urgent business of the king and kingdom."[1] In another letter, dated 3rd April, 1220, he announces his intention of being at Windsor at Easter time, and requests de Burgh to be there to meet him and discuss affairs of State. To this communication he adds: "In regard to what you have told us, namely, that the castle of Marlborough is being fortified, we order you, without loss of time, to send royal letters to the marshal, couched in the most stringent terms you can devise, expressly prohibiting these fortifications."[2] In the same month he forbids Ralph Nevile, the vice-chancellor, to leave the Exchequer on any pretence, and charges him to deposit the money he has in the Temple, and not to disburse any "without our order and special licence."[3] In the following month, he asks for a form for granting the custody of royal castles, which had been drawn up by the legate Gualo, and reminds Nevile of his injunction in regard to the royal Exchequer, bidding him, should he leave London, to deposit the Great Seal in the Temple for

[1] *Royal Letters*, etc., 74-75, 100. [2] *Ibid.*, 101. [3] *Ibid.*, 112.

safe custody.[1] Finally, to take one more example of Pandulph's action in state matters at this time; in this same year, 1220, he directs Hubert de Burgh to release the sheriff of York from custody. What has been done to him in this matter, he adds, is a practical contempt of "the king's authority and ours."[2]

If Pandulph never hesitated in his claim to be the chief arbiter of the destinies of England during the period in which he acted as legate to Honorius III, it must be confessed that this position was conceded to him by the English nation, apparently without question. The many letters which still exist prove this beyond the possibility of doubt. The pope, too, writes to him on all manner of subjects, lay as well as ecclesiastical, which concern the country. The question of holding and fortifying English castles may be taken as illustrating this point. On 14th May, 1220, the pope wrote to the English barons directing them to restore all the royal castles to the king's keeping, and urging them to render every assistance to Pandulph in his work of trying to safeguard the interests of the country at large.[3] A few days before this the pope had given his legate careful instructions as to the selection of tutors for the young king. "We are wishful," he writes, "that our beloved son in Christ, the illustrious king of the English, should be prosperous through every temporal assistance, and ever grounded in virtue before God. We hope that this will be the case if he has for instructors men who are prudent, upright, and observers of God's law. By the authority of these letters, then, we commit to your discretion the charge diligently to cause the said king to be under the guardianship of prudent and honest men, who are with-

[1] *Royal Letters*, etc., 117. [2] *Ibid.*, 130.
[3] P. R. O. Papal Bulls, Bundle L, No. 3.

out suspicion in their country, who may instruct him in good morals, and teach him to fear God and love his subjects. In this way, through your care and their teaching, he may visibly grow up moral and virtuous."[1]

Not long after, on 26th May, 1220, this Pope Honorius again wrote to Pandulph on the state of the country. "Of old," he says, "the English kings were wont to be rich, not only in comparison with other kings of the earth, but beyond them all. This was greatly to their glory and honour, and that of their faithful subjects. It is not, therefore, without cause that we wonder how it is that our well-beloved son in Christ, Henry, the illustrious king of England, even though as a minor he spends less than his predecessors, is said to be in such want that he hardly ever, if ever, has sufficient to provide adequately for his royal dignity; a state of affairs which is a reproach to his people and to such a kingdom. This condition of things, to speak plainly, is imputed chiefly to the archbishop, bishops, and prelates of England." According to his information, as the pope then goes on to explain, these ecclesiastics, taking advantage of the king's youth have possessed themselves, on all manner of pretexts, of the royal castles, manors, etc., till the king is positively poor. He, Honorius, as pope, cannot allow this, and consequently orders that these royal possessions be at once restored, together with all revenues and rents received from them since the war. "For," he continues, "we cannot permit the king to be injured. We look on his cause as our own, for he is a *cruce signatus*, an orphan, and a ward under the special protection of the Apostolic See." Pandulph is consequently to compel all to immediate restitution.[2]

In much the same way, and with the same intention

[1] Brit. Mus. Add. MS., 15,352, f. 74. [2] *Royal Letters*, etc., i. 535.

of protecting Henry, Honorius III wrote to two Poitevin bishops, ordering them to inquire whether the rumour, that certain nobles were disturbing Poitou at the time, was true. If they found that it was the case, they were charged to excommunicate them at once. "For since our beloved son in Christ, Henry, the illustrious king of England, is a *cruce signatus*, a ward and an orphan, specially left to the guardianship of the Holy See, we, not without reason, look upon injuries and annoyances to him as done to ourselves. We consequently desire to act vigorously against such disturbers 'of the peace,' as indeed we are bound to do."[1]

Almost simultaneously with his letter of 26th May to the legate about the royal castles, Honorius III sent other documents to him, bidding him not to allow anyone to hold more than two castles at the same time, even as guardians for the king. "We order you," he says, "by the authority of these present letters, not to allow anyone in England, no matter how true and near to the king he may be, to hold more than two of the royal castles, because we do not think that it is a good thing for the king's interests."[2]

It is unnecessary to multiply instances of the extraordinary position occupied by the papal legate at this time in the State, as well as in the Church in England. Almost every public document of the period is evidence of the fact, and, in addition to what has already be stated, one or two instances out of the many that could be adduced, may here be given. In 1220, Pandulph forbids the holding of tournaments. He warns de Burgh that having done so, and having moreover excommunicated all who, in spite of the prohibition, took part in them, he expects to be obeyed,

[1] Brit. Mus. Add. MS., 15,352, f. 32.
[2] Rymer, i. 160.

and instructs him to confiscate the lands of such as persist in ignoring his commands.[1]

Perhaps one of the most curious examples of the general acquiescence in the paramount authority of the legate in the government of the country, is to be found in the letter of the mayor and commune of Bordeaux, written about June 1220. It is addressed in the first place to Pandulph, and then only to the king and his council. Mr. Shirley, after a study of the letters and documents of this time, thus states the part played by Pandulph: "It was understood, or discovered, that the disruption of the regency had left the first place in the State open to Pandulph. In the name of his master, suzerain and guardian of the realm, we find him writing to the justiciar and to des Roches, as the haughtiest of the Plantagenets might have written to his humblest minister."[2]

"In some respects the encroachment thus accomplished upon the civil power may be accounted among the boldest ever attempted by the successors of Hildebrand. The deposition of a monarch, however striking to the imagination and however grave in its consequences to society, was an exercise only of judicial power, limited by its very nature to the most exceptional cases. But the authority assumed by Pandulph was that not of a judge, but of an executive magistrate; it dealt not with a single question, but with the continuous government of the country, and threatened the establishment of a despotic rule, wielded by a foreign priest, directed by a foreign policy, and enforced by the censures of the Church."[3]

Such an abnormal state of affairs could not last long. It was impossible that any foreigner, however tactful and resourceful, could long continue to exercise such paramount

[1] Rymer, i. 162. [2] *Royal Letters*, etc., i. Introd., 20. [3] *Ibid.*

influence, more especially when the position was evidently as distasteful to the clergy as it was to the laity. The question of the appointment of a successor to Geoffrey Nevile, the seneschal of Poitou, who resigned his office in November 1221, brought about a serious difference of opinion between de Burgh and Pandulph. The latter and des Roches, or de Rupibus, the bishop of Winchester, desired to secure the post for a Poitevin; but the people of the country, who were most nearly concerned, petitioned for an Englishman, and in this they were strongly supported by the justiciar. For the first time Pandulph appears to have hesitated to take the full position of a dictator, and he threw upon de Burgh the responsibility of making the choice.

Meantime Cardinal Langton had long been dissatisfied with the great influence and authority of the legate. As bishop of Norwich, Pandulph should have occupied a subordinate position, from which, however, he was exempted by the decision of the pope that he need not be consecrated whilst he continued as legate, and that, as long as he was merely elect, he need not take the usual oath of canonical obedience to the metropolitan. At the same time, however, in all but name he was the actual bishop of the See. He had been allowed by the pope, moreover, to administer his diocese without the canonical checks imposed upon other bishops,[1] which could hardly fail to give dissatisfaction to many besides the archbishop. Pandulph had complained of the debts of the See, which had been partly caused by the expenses of his position as legate, and had not been wholly covered by the procurations he had exacted. Honorius III consequently authorised him to take all the revenues of churches in his gift as bishop, for two years, where this could be done without scandal. The following

[1] Brit. Mus. Add. MS., 15,352, f. 81.

year, 1220, this permission was extended to all benefices in his diocese which were not impropriated to some conventual establishment.[1] And, by a second letter, two days later, he was permitted to reward his servants with English benefices in any diocese, since in his own there were few to be had and those of little value.[2]

On 17th May, 1220, Henry III was solemnly crowned at Westminster in the presence of Pandulph. Langton sang the Mass and preached to the people. Most of the bishops and prelates of England assisted at the function, with the exception of the archbishop of York, who, it is suggested, did not come because of the difficulties raised by the archbishop of Canterbury against his carrying the archiepiscopal cross in the southern province. In accordance with the express direction of the pope, the barons who were present took oaths to restore the royal castles to the king, and to render him an account of the revenues received since they had been in their keeping.[3]

The legate does not appear to have been present at Canterbury, when on 7th July, the body of St. Thomas was translated with great ceremony. Extensive preparations had been made for this event, which, as it took place in the fiftieth year after the death of the martyr, was made a universal jubilee for the whole of England. The king attended the ceremony of transferring the body to the new shrine "made by the wonderful artist, Walter the sacrist of St. Alban's," and the festival was conducted by William de Joinville, archbishop of Rheims, in the presence of Langton and a great number of bishops. The cardinal entertained the company after the function in the new palace he had built, which to the eyes of contemporary

[1] Brit. Mus. Add. MS., 15,352, f. 81. [2] *Ibid.*, f. 84.
[3] *Ann. Monastici*, iii. 57.

chroniclers could hardly have been surpassed by the glories of King Solomon's buildings, and the banquet was such as recalled the feastings of King Assuerus.[1]

When these festivities were over, Archbishop Langton set out for Rome in the autumn of 1220. He was away until the August of the following year, when he returned, writes the chronicler, "with glory and honour." How he managed to persuade the pope to grant him the important privileges with which he returned to this country, does not appear; but the result was a complete victory for his policy as regards the administration of the English Church. The three points named by the chroniclers as having been granted to him by Honorius III were the following: that the archbishop of York should carry his cross only in his own province; that the pope should not give away any English benefice to a foreigner in succession to a foreigner; and that no legate should ever again be sent into England during Langton's lifetime. The date of one of these privileges, 24th February, 1221, shows that the archbishop soon obtained from the pope what he went for to Rome. Although nothing is said about Pandulph, the triumph of Langton's diplomacy effectually put an end to his influence. The confirmation of Eustace of Falkenburg to the See of London on 25th February, 1221,[2] appears to have been the last act of the legate in England. The pope must have written to him to resign his office; and on 19th July, 1221, before Langton had returned to England "by order of the pope," in the presence of the bishops of Salisbury, Winchester and London, he declared his resignation[3] of his legateship and left England at the following Michaelmas.

[1] Matthew Paris, iii. 59; cf. also *Ann. Mon.*, ii. 293: *Ann. Mon.*, iii. 58; *Chron. de Melsa*, i. 406; Wilkins, i. 572.

[2] Radulphus de Coggeshall, 189.

[3] *Flores Historiarum*, ii. 172-173.

His departure was rendered somewhat less unpleasant by his being sent to Poitou on a mission, and from thence he went on to Rome. As there was now no longer any reason why he should delay his consecration to the See of Norwich, he was made bishop by Honorius III on 29th May, 1222. He remained attached to the interests of England, and especially to those of the king, till his death in 1226, when his body was brought from Rome to England and buried in the cathedral at Norwich.

CHAPTER IV

ECCLESIASTICAL REORGANISATION

THE promise of Pope Honorius on the departure of Pandulph, that during Langton's lifetime no further legate should be sent into England, was kept. The absence of any papal representative with unlimited legatine powers did not, however, in the least imply that the pope's power in England was in any way diminished, or that his personal interest in the country had at all slackened. Honorius III, during this period, merely acted directly through the archbishop of Canterbury and the English bishops, and the numerous letters written by him during the three years which followed the departure of Pandulph in 1222, in which he dealt with all manner of subjects, prove his continued hold over the English Church, and, as far as there was need or occasion, his watchful care, as supreme lord, also over the affairs of State.

In the early part of this period, the authorities of the English Church devoted much attention to ecclesiastical discipline. The pope, in several letters addressed to the bishops, urged them to put down abuses which had sprung up, or become more firmly established, during the long period of national disturbance. Amongst these, two in particular required immediate attention: the position of married clerics, and the practice, which had crept in, of the sons of clerics being allowed to succeed to benefices pre-

viously held by their fathers.[1] At this time, several of the English bishops issued diocesan constitutions which manifest their strong desire for better discipline; and these regulations, which are still extant, enable us to form a fair notion of clerical life and practice. To take an example: the Synodical decrees of the diocese of Durham, issued by Bishop Richard Marsh, are embodied in a document of exceptional interest. The general tenor of this constitution, and in many parts its verbal expression, is copied by the bishop of Salisbury, Richard Poore, who was the friend, and afterwards the successor, of Bishop Marsh at Durham. The whole of this legislation, however, is, not improbably, attributed to Archbishop Langton.[2]

Some few of the provisions of this constitution may be here noticed as of exceptional interest. The duty of priests, for example, to instruct the people in their religion, is insisted upon. Every parish priest is reminded that by virtue of his office, he is bound "often to teach" the flock committed to him, the articles of the creed and the Christian practices "without which faith is dead." In order to secure that this duty be faithfully and truly observed, the archdeacons are enjoined to see that the clergy of their various districts know, and, if necessary, rehearse before them, the exposition of Catholic faith enjoined by the late Council of the Lateran in 1215. They are further to warn them to explain the various points of the faith frequently to their people in the vulgar tongue (*domestico idiomate*). Besides this, they are to exhort the faithful to recite the Creed, the Lord's Prayer, and the Hail Mary, and they are constantly to collect the children of their parish together for instruction, and to see that there are one or two of the more advanced capable of teaching their companions these prayers.

[1] Brit. Mus. Add. MS., 15,352, ff. 132, 136. [2] Wilkins, i. 572.

They are also to warn all parents and heads of families, whom they fear to be negligent in these matters, of their obligation to instruct their children and servants in their religion, or at least to see that they are so instructed by others.[1]

After affirming the strict obligation of the existing laws as to clerical celibacy, and pointing out that, by the legislation of the late general council, persistence in offences against continence would entail suspension and deprivation, the constitution passes on to treat of the duty of charity, imposed upon the clergy by their high calling. All priests and beneficed ecclesiastics are "bound, according to the measure of their revenues and resources, to dispense charity and not to manifest avarice where the poor are concerned." This law, Bishop Marsh reminds his clergy, is the more binding on monks and religious generally, in as much as by their profession they are bound to a stricter form of life, and this clause in the constitution concludes with a solemn warning about this duty. "Those who abuse the patrimony of the Crucified, either by living a life of luxury, or by not practising the virtue of charity," it says, "shall be punished according to the canons, when we shall have information of such people."

Then follow some minute instructions as to the sacraments; their number, meaning, effects and due administration, are treated of systematically. In regard to baptism, for instance, after a careful explanation of the effects and intention of the sacrament, etc., the clergy are prohibited from exacting or taking any fees for its administration. Out of reverence, too, the font is to be kept locked, and the holy oils, necessary for the due performance of the rites, are to be preserved in a safe place in a proper baptistery,

[1] Wilkins, i. 573.

which is never to be used for any other purpose. When, in case of need, baptism has to be administered in a private house, the vessel made use of for the purpose is not again to serve for any profane purpose, but is either to be destroyed or given to the Church. The priest is charged to ask lay people constantly whether they are acquainted with the form of the Sacrament, in either Latin, French, or English, which they may have to use in case of need.

After baptism, children should be confirmed by the bishop, and if through the negligence of their parents they have not received that sacrament before the age of seven years, the father and mother are to be prohibited from coming into their parish church until the child has been taken to the bishop.[1]

If priests are negligent in this matter, they are to be punished with like severity, and if, when any adult comes in Lent to confession he is found to be unconfirmed—and upon this point the priest is warned to inquire—he is to be sent at once to the bishop to receive this sacrament at his hands. In the same thorough and careful way these Durham constitutions of 1222 treat of the other sacraments, and they together form a complete manual of teaching on the theology of the Church's sacramental system, and on the practical administration of the sacred rites.

At Easter, in the year 1222, which fell upon April 3rd, a few months after his return from Rome, Archbishop Langton held a provincial synod at Oxford. In this assembly the bishops published a joint constitution in fifty chapters or sections. As a preamble to this they proclaimed an excommunication against several classes of disturbers of the rights of the Church and of the king. Amongst these were included those, for example, who in-

[1] Wilkins, i. 576.

fringe upon the liberties of the Church, or seek to deprive it of its privileges; those who disturb the peace of the king or endeavour to detain property that of right is his; those who give false witness, or cause it to be given; those who make false charges, or seek to deprive patrons of their right of presentation to benefices, etc.

The body of the constitution deals with the life and duties of all classes of society. Bishops, for example, are warned to be charitable to all in need; to be ever ready to hear and decide causes submitted to them; to hear confessions personally at times; to reside at their cathedral churches and to be present at the public services during Lent and sometimes on Saints' days. Twice a year they are to read, or have read to them, the promises made by them at the time of their consecration to the episcopal office, and to consider with themselves whether they have acted in accordance with their solemn vows. The clergy generally are strictly enjoined in accordance with the commands of the General Council to feed the flock committed to them "with the food of God's word lest they should deservedly be adjudged to be dumb dogs," and they are bidden to remember the Scripture promise that in the last judgement day "those who have visited the sick will be rewarded in the eternal kingdom," and for this, if for no other reason, they ought to "hasten with joy to the sick whensoever they are called."[1]

In this code of ecclesiastical laws minute regulations are also made about the care of the churches with their ornaments and books, all of which have to be examined periodically by the archdeacons. Vicars are not to be appointed or approved, unless they promise to reside in the cures committed to them; and the bishop is charged to see that

[1] Wilkins, i. 586.

a proper provision is always made for their support, that they may not be tempted to beg, or look to obtaining anything for their spiritual ministrations. In their dress the clergy are to show themselves to be ecclesiastics, avoiding display and worldly pomp, and in their lives they are to be free from every stain of incontinence.

Besides these general directions for the good ordering of English clerical life, special statutes are incorporated into these constitutions dealing with religious and monastic observance. The sacraments are also treated of with minute care, and great stress laid upon the importance of confirmation and the necessity of not delaying its reception. Adults, who have not been confirmed, are to be urged not to wait till the bishop might come to the place where they reside; but after having made their confessions they were urged to go to any church where the sacrament was to be administered.

To the foregoing provisions of the Oxford synod, by which Archbishop Langton and his suffragans hoped to secure adequate religious teaching and uniformity of clerical life, the diocesan decrees attributed to Bishop Poore, of Salisbury, do not add very much. Several points, however, are emphasised, and one or two of the provisions made somewhat more stringent. In regard to preaching, the Sarum constitutions refer to the order of the Lateran Council, which commands all bishops who were themselves unable to preach in their dioceses, to provide fitting substitutes, so that this plain duty be not in any way neglected. The clergy of the diocese are charged to allow these substitutes to preach freely to the people and to give them every help, temporal and spiritual, in this work. In regard to teaching generally, Bishop Poore's statutes direct that "a proper support be found for the master who in-

structs poor scholars gratuitously in grammar, that by such means the necessities of the teacher be relieved and the path of the learner be made easy for him."[1]

About this time the presence in England of a number of papal officials, collectors and beneficed clerks, led to the abuse of papal letters, and to the circulation of forged briefs of protection and privilege. The genuine documents were numerous enough, and it would seem to be not improbable that, in some instances at least, the holders of the false Roman letters were not aware that they were forgeries, and produced them in all innocence. Two cases at this period in the diocese of Worcester will serve to illustrate this matter. The first had to do with the cathedral monastery itself, and is related in the annals of that house.[2] It is well to note that, although the writer of the Worcester story would no doubt put the best side forward, the main lines of his account are confirmed by other documents. In 1221 the convent received a letter of privilege from the pope, or rather a document that purported to have emanated from the Curia, and which, so far as any evidence goes, the monks believed to be genuine, and with reason, as it was obtained through a papal *cursor*. By this document it was declared that neither the prior of Worcester nor his successors were to be removable by the bishop at will, and that they could only be deposed from their office after a trial presided over by judges appointed by the pope. The bishop refused to recognise these letters and, declaring them to be spurious, appealed to the Holy See. The prior set out for Rome on 23rd November, 1221, to plead his cause in person, taking with him from the convent letters of credit for four hundred marks, over and above the forty marks he had in his purse for current expenses. Whilst he

[1] Wilkins, i. 600.

[2] *Annales Mon.*, iv. 414 *seq.*

was away, according to the Worcester annals, the bishop continued to harass the monks in many ways; and his agents in Rome succeeded in establishing their objections against the genuineness of the letters. On 26th March, 1222, Pope Honorius directed the bishop to proceed against the prior and convent for pleading these forged documents,[1] and two days later gave him power to appoint the prior of his cathedral monastery "according to custom."[2]

The acting prior was suspended by the pope, and at his order was promptly deposed by the bishop, who also appointed William the Norman in his place. The majority of the community then appealed to the archbishop; upon which the bishop retaliated by distributing suspensions, excommunications, and other ecclesiastical pains and penalties, until Cardinal Langton interposed his authority and sequestered the priory. At this point, apparently, the deposed prior, Simon, arrived back from Rome, absolved from his suspension. On 3rd June, 1222, Pope Honorius had written to bid the bishop deal favourably with him, in consideration of his former services to the house.[3] And upon the ex-prior finding that he had been deposed in his absence, he again appealed to the Holy See. On this, the bishop promptly excommunicated him, and again the ex-prior Simon went to Rome to plead his cause personally at the Curia. The case dragged on into the next year, and even the death of the prior abroad did not terminate the proceedings, as the monks pressed for a decision of the case on its merits. On 23rd July, 1223, consequently, Pope Honorius addressed his letters to the abbot of Reading and others to inquire into the whole matter.[4] Finally, however, through the good offices of Archbishop Langton and others,

[1] Brit. Mus. Add. MS., 15,352, f. 138.
[2] *Ibid.*, f. 141.
[3] *Ibid.*, f. 145.
[4] *Ibid.*, f. 196.

to whom the affair had been committed by the Holy See, this long and disedifying quarrel was made up by the retirement of the episcopal nominee and the appointment of an outsider—a monk of Tynemouth—to the office.

About the same time a somewhat similar case arose in regard to Tewkesbury Abbey. On 1st July, 1222, the pope directed the bishop of Ely and others to inquire into the genuineness of privileges produced by the abbot, which were supposed to be spurious. They were to examine the abbot personally, and were to see and consider what evidence he could produce in favour of the alleged privileges. Apparently their preliminary inquiry was satisfactory, for, although their reply is not known, there were at the time, so far as appears, no further proceedings in the matter. Later on, however, other complaints were formulated against the abbot by two of the monks, who wrote to inform the pope that their superior was making use of pontificalia, mitre, gloves and ring, and that they did not believe that the letters upon which he claimed the privilege[1] were genuine. Pope Honorius thereupon appointed another commission, but to judge from a letter written by the pope on 9th June, 1226, the abbot appears to have been able to give, if not a satisfactory, at least a sufficient explanation.

During this period of ecclesiastical reorganisation, difficulties arose between religious houses and bishops, mainly on the question of jurisdiction. These cases were few in number and were mainly confined to those places where the monks formed the cathedral chapter of the diocese. As a whole, the system of monastic canons existing in so many dioceses of England, contrary to what might have been supposed, worked without much friction; but here and there differences and quarrels became accentuated and

[1] Brit. Mus. Add. MS., 15,352, ff. 220, 223.

led to appeals and counter appeals. In 1221, for example, a serious disagreement broke out between the monks of Durham and their bishop, Richard Marsh, which lasted for many years and involved the convent and the bishop in heavy expenses. The story is told by Roger de Wendover at considerable length, and although, of course, the facts are regarded from a monk's point of view, so far as we have other means of judging, they seem to be put honestly and correctly. The differences first grew out of a desire on the part of the bishop to change or abrogate some of what, from long usage, the monks had come to regard as customs and liberties, over which he had no jurisdiction. The bishop demanded inspection of documents, which the prior refused; whereupon—that is if the chronicles are to be believed—his lordship told them that they would live to regret their refusal, and that he would never leave them in peace as long as he lived. One thing led to another, till at length the religious appealed to the pope for protection, and formulated a series of accusations against the bishop. Honorius III wisely determined to appoint a commission in the country to inquire into the whole matter. The bishops of Salisbury and Ely were delegated for the purpose, and ordered the monks to furnish them with a statement of their grievances. The agents of the Durham community had set forth a list of accusations against Bishop Marsh, which were serious enough, if true, but which now impress the reader with a sense of exaggeration. This is perhaps hardly to be wondered at, for by this time the northern blood of both parties was up, and either side was ready to believe the worst about the other. The pope consequently, declaring that he could no longer shut his ears to reports and accusations, ordered the above-named bishops to inquire into the facts, and report.

On receipt of the papal commands, the commissioners

summoned witnesses to Durham, commanding all abbots, priors, archdeacons, and others, lay as well as ecclesiastics, who might have evidence to give, to come thither. The bishop was far from satisfied: when the pope's letter had been read, his proctors raised many difficulties, and in his name appealed directly to the Holy See, refusing to leave the issue to any commission. Without delay, Bishop Marsh, sending his agents before him, set out for Rome, personally to plead his case.[1] He was followed at once by the monks. Neither side gained by the bishop's move, for after "many arguments before the pope and a great expenditure of money both on the part of the bishop and of the monks," Honorius sent the case back for the facts to be determined by the commission he had previously appointed. Without any apparent reason, to judge from the letters which occur in the papal registers, the dispute was prolonged for two or three years. In 1225 the pope, after complaining of the obstacles which had constantly been placed in the way of a settlement, directs that a final decision be given. But, writes the chronicler, "once begun, the strife lasted, as the bishop had foretold, until his death put an end to it."[2]

One other appeal made to Rome at this period to settle a question of jurisdiction may be here recorded. In 1221, Eustace, the newly consecrated bishop of London, claimed complete jurisdiction over the Abbey of Westminster. The monks appealed to Rome, and Pope Honorius appointed Cardinal Langton and others to inquire into the merits of the case and to decide it once for all. This they did the following year, declaring that the Abbey was altogether

[1] It would seem from "Papal Registers" (ed. Bliss), i. f. 78, somewhat doubtful whether Bishop Marsh really went to Rome. R. de Wendover (ii. 259) says, "Romanam adivit curiam."

[2] Roger de Wendover, ii. 257-259.

independent of the See of London and was consequently not under the jurisdiction of the bishop. The abbot, moreover, they declared, possessed the right of asking any bishop to bless him, to ordain his subjects, or to confirm within the limits of his jurisdiction. He might also obtain the holy oils from any bishop or place he pleased.[1] At the same time, however, to take a third example where the decision was given on other lines, the abbot and monks of St. Mary's, York, refused to acknowledge the right of the archbishop to make a canonical visitation of their house. In this case, also, upon appeal being made to the judgement of the Holy See, the archbishop had stated his conviction that the papal letters, upon the strength of which exemption was claimed, were not genuine.[2] Pope Honorius consequently ordered an examination to be made of the incriminated documents, and, upon their being declared spurious and void in law, the archbishop was given the full right of visitation "even if the privilege of exemption had existed."[3] At the same time, it is clear that in this case the pope did not throw the blame upon the abbot of knowingly using forged documents to support his claims against the archbishop, for almost at the same date as the decision against the validity of the charters was given, Honorius issued a bull to the abbot and convent of St. Mary's, forbidding any archbishop or bishop to exact any fees for blessing the abbot.

The real history of these forgeries of papal documents seems obvious. The enormous amount of business of all kinds, which during this reign was transacted with the Curia, created not only a large body of agents always ready to transact affairs at Curia, and always expecting to be well paid for their work, but also a number of unscrupu-

[1] Matthew Paris, iii. 71-75. [2] Brit. Mus. Add. MS., 15,352, f. 277.
[3] *Ibid.*, ff. 308, 310; cf. Wilkins, i. 598.

lous adventurers, who were ready to forge papal documents when they were unable to carry out the business committed to them as they desired, or as the easiest and most certain way of satisfying their clients and obtaining their reward. This manufacture of spurious documents was rendered all the more easy by the distance which separated England from Rome; the fact that such privileges would seldom be questioned, and from the absence of any systematic registration in the Roman Curia. The mass of business transacted by the papal chancery at this time is so enormous, even as regards England alone, that it is not really very surprising to find that a large proportion of the Roman letters, bulls, and briefs, etc., were never entered in the papal *Regesta*. It is obvious that this fact would facilitate the work of the would-be forger, and there can be no reasonable doubt that many spurious documents were accepted, and the bearers paid for their trouble in procuring them, in all good faith. On 9th May, 1225, Pope Honorius III directed the attention of the English bishops to the serious evil being wrought by means of these *falsarii*—these manufacturers of false documents—and subsequently, by the command of the nuncio Otho, the bishops ordered all who claimed to possess any papal dispensation, whether of non-residence in their cures or for plurality of benefices, etc., to present their letters for inspection and verification. On many of the original papal letters of this period may still be seen the certificate of their having passed this examination.

During these years of reorganisation, which the English ecclesiastics undertook at the first peaceful moment that had been known, whether in Church or State, since the troubled days of King John, the pope's direct and directing action is everywhere manifest. Nothing was apparently too small to escape his attention, nothing too trivial not to

have a claim on his fatherly consideration. The number and variety of subjects, upon which his personal judgement was sought and his authority invoked, cannot but amaze anyone who will take the trouble to consult the pages of his Registers and the English records of the period. Thus, within the limits of the brief period of the three years, between the departure of Pandulph and the coming of Otho, when Langton was acknowledged almost for the first time in his archiepiscopate, as the ecclesiastical chief of the Church of England, there is ample evidence of the pope's direct action in guiding the policy and framing the legislation of the reviving ecclesiastical life.

From the very nature of the case and the multiplicity of subjects treated of in the papal letters, it is almost impossible to give the reader any idea of the matters submitted at this time to the Curia, or the vast interests dealt with by the pope. For the benefit of those who cannot examine the collections of documents for themselves, almost at haphazard the following may be noted as samples of the ordinary business of the Roman courts during this period. First, marriage cases, entailing complicated questions of law and fact, as well as the application of principles of justice, are offered for decision. To take one such. The all-powerful de Burgh, the justiciar, is in a difficulty for which he prays the pope's consideration. He states that he had been forced by the legate Pandulph to marry the king's sister. The marriage was not by his free act, what is he to do? What may he do in the matter? Then all the questions about impropriations of livings to religious houses, and they were numerous enough in those days, came up for the consideration of the supreme authority. Generally they were not settled so readily as we might suppose, and frequently commissions had to be appointed to get at the

facts, or finally determine the grant. Some special religious houses at this period seem to have claimed a great deal of attention. Thus Sempringham and the Gilbertines appear as the frequent recipients of papal documents. Then all the many questions, which arose out of the settlement of property on religious houses, were referred to the Curia for approval; and some monasteries were for ever asking for new privileges, or seeking confirmation of old ones. Questions about elections, and the confirmation of those elected or promoted, are constantly arising; provisions have to be made to benefices, and dispensations of all sorts have to be granted. Amongst the special matters dealt with at this time, may be named the English Augustinian Order in general, and their general chapters in particular; the affairs of the English Templars, about which there are many documents in the Registers; the question of the propriety of translating the relics of St. Birinus at Dorchester, which was relegated to Archbishop Langton. In one year the Abbey of Abingdon has four documents in regard to privileges; whilst many letters and bulls deal with inquiries into the sanctity of Saint William of York, and that of Saint Hugh of Lincoln, and with the process of their canonisation.

Besides these and such like, which must be taken as mere samples of the great business of the Curia, there are, of course, many documents of more general and national importance. Thus the attitude of Llewellyn of Wales is dealt with in many papal documents, and the English bishops are directed to excommunicate him and place his possessions under an interdict. Again: by means of the influence of the legate Pandulph, Reginald, king of the Isle of Man, had surrendered his kingdom to the pope, and, like King John, had acknowledged Honorius as his suzerain.

The bishop of the islands had died and, in accordance with immemorial custom, the abbot and monks of Furness had elected a successor and had sent him to the archbishop of Dublin for his confirmation and consecration.[1] These were received, but Reginald refused to allow him to set foot in his diocese, and it was only after long negociations and the writing of many letters that the matter was arranged by the submission of Reginald. Pope Honorius III reminds him in 1223 that Divine Providence had made him king that he might watch over the interests of the Church as his first care, and urges him to make an adequate provision for the support of the clergy.

The pope, during this period, also continued to keep his hand upon the helm of the ship of State, of which he was the unquestioned suzerain. To take some examples: on 26th May, 1222, Honorius wrote to the king's council on what he regarded as certainly an infringement of ecclesiastical liberties. He understood, he says, that the archbishop of York was being sued in a secular court, in regard to the presentation to a benefice by one Richard de Percy. The late legate Gualo, on the previous vacancy of the living, had specially declared that the claimant had no title whatever. But whether he had or not, the king's justices must at once be prohibited from dealing with the case, since to do so "would be to interfere with the liberties of the Church." And, continues the Pope, "it is not proper that we should tolerate this quietly." He, therefore, warns the Council to stop the proceedings without delay, "so that we may not be compelled to proceed further." The letter is indorsed: "a letter is to be written that in the matter of the prebend there is no plea of laymen in a civil court."[2]

[1] Brit. Mus. Add. MS., 15,352, f. 25.
[2] P. R. O. Papal Bulls, Bundle L, No. 5.

Six months after the departure of Pandulph, the legate, from England, the pope was called upon to interfere in the case of the earl of March. The earl had promised Pandulph to make peace with the English king, and to settle the points of difference between them by the restoration of the royal castles and other property. The dean of Bordeaux was ordered to see that these promises were carried into effect within a reasonable time, and if not, to excommunicate the earl with his aiders and abettors, and to place his lands under an interdict. In June, 1222, nothing had been done, and Pope Honorious writes: "We neither ought nor will allow our commands to be eluded by any man's cunning, or set at nought by delays, and as you should not abuse our kindness in granting respites," we direct that the sentence of excommunication be promulgated, if the matter is not finished by St. Andrew's day.[1]

A week later a similar letter was written by the pope, at the English king's request, to the archbishop of Poitou, in which he blames him for not showing himself faithful to Henry, as Honorius, *auctoritate nostra*, had ordered him to do, and as he had promised the legate Pandulph to do when released from the sentence of excommunication under which he lay for siding with the king's enemies. He was again to be suspended, unless he, too, by St. Andrew's day, had satisfied the English king as to his loyalty. After that, both he and the prelates who sided with him would be compelled to come to the Curia to be absolved from their suspension.[2]

On 9th November of the same year, 1222, Henry, through de Burgh, wrote to the dean of Bordeaux and others, reminding them that "according to the jurisdiction committed to you by the Lord Pope, still in force," you are

[1] Rymer, i. 169. The document is wrongly entered under 1223. [2] *Ibid.*

bound "to proceed to the sentence of excommunication against the earl of March and others, according to the Apostolic commands," if by the feast of St. Andrew their peace had not been made with the king.

In the same way, and almost at the same time, King Henry had invoked the pope's assistance in dealing with Llewellyn of Wales. The English king complained that although Llewellyn was his liege, that prince had been in constant rebellion against him ever since his accession to the throne.

For a time, indeed, through the influence and authority of the legate Gualo, he had been brought to obedience, and during that period, trusting to his fidelity, certain castles had been committed to his charge. Constant difficulties had, however, occurred, till once more, and "for the fifth time," the prince was brought to reason by the legate Pandulph, acting on behalf of the pope. On that occasion, in the legate's presence, and in that of nearly all the nobles and prelates, Llewellyn had sworn obedience, the pope being asked to confirm the terms of the agreement. Matters, however, were not really greatly improved; and in October, 1223, in spite of the admonition of Archbishop Langton, Wales was once again in a state of rebellion. For this reason, writes Pope Honorius in his letter, "the king has himself humbly requested us that we would deign to put an end to such insolence against him and his kingdom, and according to the tenor of the petition shown to us in his behalf, deal with one who, in accordance with our orders to the archbishop and bishops of England to prevent by every means, spiritual and temporal, any disturbances of king and kingdom, had been excommunicated by them, and had had his lands placed under an interdict. Unwilling, therefore, to allow his supreme authority to be set at

defiance any longer, the pope, on 5th October, directed the archbishop of York to have the sentence of excommunication published in all churches, and to see that every ecclesiastical function was prohibited throughout the principality. By the same document, all prelates or clerics who had aided him, or who continued to do so, were declared suspended, and would have to apply personally to Rome for their absolution. After the lapse of six months, if Llewellyn did not come to reason and make satisfaction, he was to be warned that he could only obtain release from his excommunication by presenting himself personally to the pope.[1]

In the course of the year 1223, fresh difficulties arose as to the holding of royal castles against the king's wish. Henry had applied to the pope to compel all who held them to surrender their charges into his hands. Honorius had complied with this request, and a curious point was now proposed for the papal decision. Could even the king, after the pope's order as to the surrender of the castles, permit some of them to be held by his former guardians? Honorius was approached to obtain a solution of this doubt, and on 20th November, 1223, replied: "We have been humbly asked on your behalf (the following difficulty): Certain letters have been received from us, by which we ordered our venerable brother, the bishop of Winchester, and our beloved sons, Ralph, earl of Chester, Hubert de Burgh, justiciar, and Falkes de Breauté, to surrender their charges and their care of the royal castles into your hands; but because occasion of discord may arise from this command, since, like faithful subjects, they are ready, on a proper occasion, to give an account of their stewardship, and since there are no hands to which these charges may

[1] Rymer, i. 180.

be more safely committed, will we allow this order in their regard to remain void? Now, seeing that the said letters were issued for your benefit, and asked for and granted for that end, you should not be compelled to act upon them. But, lest it should seem that they were issued without consideration, we conclude not to withdraw them further than to declare that they need not be acted upon against your will."[1]

The same messengers, who returned with the above reply to the king's question, brought letters from the pope to the archbishops and bishops. These, according to the chroniclers, contained the declaration of Honorius, that King Henry "must now be accounted of full age, and be looked on henceforth as the chief ruler of his kingdom, which he would govern with the advice of his subjects." By these same letters the pope bade the bishops convey to the barons his "Apostolic orders" about the surrender of the royal castles already referred to. Those that refused to comply with this command on receipt of the royal letters were to be compelled to obedience by means of the spiritual sword.[2]

The pope's orders were received by many of the nobles with open expressions of disapprobation. Some met together secretly and determined to disobey the command and take the consequences. The rumour of resistance, and especially the mention of the word "schism," which had been whispered at the meeting, alarmed the bishops, and strengthened them in their resolution to support the king and obey the pope to the letter. The barons persevered in their intention. Their discontent showed itself first against the justiciar de Burgh, whom they regarded as chiefly re-

[1] *Royal Letters*, i. 539.
[2] Matthew Paris, iii. 79.

sponsible for procuring from Rome the orders of which they disapproved.[1]

On 18th December, 1223, King Henry wrote to the pope on the situation. "By means of the many benefits conferred by your great affection," he writes, "we have come out of the cloud into the sunshine, and by your help have been established in the rule of our kingdom. This we rightly regard as your work." But, over and above other benefits we have received from you, we account this the greatest, that by your Apostolic letters your Holiness has declared your wish that we should have the free administration of our castles and of our other affairs. For this we render you our best thanks, and believe that, with the cordial help of the archbishop of Canterbury, the bishop of Winchester, and the other English bishops, and by the powerful assistance of Hubert de Burgh, and other faithful nobles, the country will experience peace and prosperity. Henry then goes on to say that some of the barons are endeavouring to stir up dissensions, and that he fears they may have already written to him. For this reason he sends his envoys, and hopes Honorius will listen to their account of the real state of parties in the country. They will also tell him of the diligent care with which the archbishop of Canterbury is carrying out the pope's orders, and finally the king begs that the pope will write at once to the nobles who are faithful to him, to encourage them. At the same time Henry wrote to Gualo, the former legate, asking his help for his messengers to obtain speech with the pope, in order that the true situation in England might be understood.[2]

The royal agents also carried with them to Rome letters from Hubert de Burgh and other nobles on the king's side addressed to Pope Honorius. They first thank him

[1] Roger de Wendover, ii. 273. [2] Rymer, i. 171.

for his watchful care and defence, and for that of his legate Pandulph, over "your most devoted son and our lord, Henry the illustrious king of England." "For indeed," they write, "your Holiness has been pleased to exercise your authority in promoting his every good, and in furthering his every interest in a way beyond all praise. But seeing that you have never refused nor feared to undertake the greatest burdens and labours, and have never spared yourself to make sure his rule over us, we do not hesitate to beg your Holiness, with loving insistence, to continue your efforts, and to prevent what has been brought thus far safely, from being trodden under foot by the enemy of mankind." They then go on to inform the pope that they understand that many who are against both himself and their king are endeavouring to get the weight of his supreme authority on their side. They consequently desire to warn him, and they not only hope that he will refuse to countenance their opponents, but also prevent the return of such disturbers of the public peace to England. "In order that our meaning on this matter be fully made known to your Holiness," they say in conclusion, "we would have your Holiness to know for certain that under no stress of necessity will we draw back ever so little from our devotion to the Apostolic See and our fidelity to the king."[1]

The Christmas of 1223 was spent by the king at Northampton with Langton and the other English bishops. Here, after celebrating the Mass of St. Stephen, the archbishop and his suffragans, vested in albs and carrying lighted candles, solemnly published the papal excommunication against all disturbers of the peace of the kingdom, and against all who attacked the rights of the Church. The earl of Chester and his followers, who headed the revolt against the papal

[1] Rymer, i. 171.

decision as to the restitution of the royal castles, were then at Chester, and thither the archbishop sent messengers to tell all whom it might concern, that if by the following day the royal possessions were not delivered up, he would pronounce them excommunicate by name, according to the orders received from the pope. The barons at Leicester, fearing that they were not strong enough to resist, and dreading that Langton would proceed to extremities as he had threatened, came into Northampton and surrendered the royal possessions as they had been ordered to do by the pope.[1]

It seems probable that the real instigator of the rebellion against the king was the bishop of Winchester, Peter de Rupibus; and the cause may be sought in his hostility to the still all-powerful justiciar, de Burgh. In the early January of 1224, the bishop secured by his influence and representations in Rome, the dispatch of a letter of remonstrance from the pope to Henry. In this document Honorius reminded the English king of what both his father and he himself owed to the bishop "at a time of great need;" and he declares that he "has heard, and since hearing has not ceased to wonder," how Henry had apparently forgotten these benefits and interfered with the undoubted rights of the bishop's See. He warns him not to act in such a way as to offend him and the Apostolic See, which has the Church of Winchester under its special protection. The pope goes on to explain what it was that the bishop complained of specially. De Rupibus had intended to pay a visit to Rome on his way to the Holy Land to consult the Holy Father about the fulfilment of his vow and "other business of his See." No doubt it was not considered desirable that, whilst the difficulties between the barons and the king were pending, one who was in sympathy with the recalcitrant nobles,

[1] Roger de Wendover, ii. 276.

or at any rate hostile to the justiciar, should be permitted to throw in with the opposition the weight of his influence at the Curia. Still, Honorius resented the prohibition, and declares that he cannot comprehend how any bishop can be prohibited from "coming to us and to the Roman Church his mother, for this is really no more an injury to him than it is to us and the Apostolic See." The pope hoped, therefore, that the rumour might prove to be false, and that Henry has not been so far "forgetful of the reverence due to the Apostolic See and to the true fidelity of the said bishop," neither of which ought he at any time to forget.[1]

We do not possess the reply made on the king's behalf to the pope's letter; but there is evidence that the royal agents did not get the ear of the pontiff so completely as they expected. An event, in the summer of the year 1224, shows that some powerful influence was at work in Rome adverse to Henry's interests. Amongst the hostile barons was one Falkes de Breauté, a man of infamous character, but one who nevertheless somehow or other succeeded in securing Honorius's powerful protection. He had long been famous, or infamous, in England for his crimes, and for setting all laws at defiance almost as he pleased. This year his evil courses reached a climax. He was summoned before the king's justices at Dunstable, to answer to more than thirty writs for having robbed various people, and he was condemned to pay heavy fines to the king. De Breauté, upon hearing this, sent soldiers from Bedford Castle to seize the persons of the judges. Two of them escaped, but one of them, Henry de Braibroc, was unfortunate enough to fall into the hands of the baron's retainers, and was thrust into a dungeon at Bedford. Braibroc's wife appealed to the king; and upon the refusal of Falkes's party to set

[1] *Royal Letters*, i. 218.

the ill-fated judge at liberty, the archbishop and bishops solemnly excommunicated Falkes and his retainers, and the king laid siege to the castle. This stronghold, however, for a long time resisted all efforts to capture it, and before it fell Falkes de Breauté had escaped into Wales. When, after some weeks, the castle was taken, the king hanged most of the defenders, amongst whom was William de Breauté, Falkes's brother. Upon this, the latter made his submission and was handed over to the custody of the bishop of London, until such time as it should be determined what to do with him, besides depriving him of all his property.[1]

Before this, however, and whilst the siege of Bedford Castle was actually in progress, the pope intervened in de Breauté's behalf. On 17th August, 1224, he wrote to the king, reminding him that he had frequently warned him to deal with his subjects in "a spirit of mildness," and "to strive to keep peace and concord." In spite of all these admonitions, he hears, he says, with grief that, "despising these warnings, you have rashly taken up arms against that noble man, Falkes de Breauté, who in time of need has risked his life and property for your father and for yourself." Those who have counselled you in this are as unwise as they are faithless. It is not the time to turn your arms against your own subjects. "Even if they have gravely injured you, at the present moment you should rather strive to win them by your royal favours to unite heartily in defence of your kingdom and yourself. . . . We warn your Highness, therefore, and earnestly exhort you, as well as strictly order you by these Apostolic letters, at once on sight of them, to desist from the siege of de Breauté's castle without delay, and not to punish the foresaid nobleman, nor allow him to be punished in any way." Then after saying

[1] Dunstable Annals (*Ann. Monastici*, iii.), 5; cf. Wendover, ii. 279.

that should the king have anything against de Breauté, he, the pope, will himself be surety for him, he concludes: "Prefer not any other counsels to our salutary admonitions and commands; but do what we suggest and order as you trust to our favour and help."[1]

To Cardinal Langton, Honorius wrote on this subject in a manner even more peremptory. "We have not yet," he says, "been able to force our mind to credit what has been suggested to us about you by many, though they have striven to enforce the truth of what they say by many evidences. We thought indeed of that eminent knowledge of Divine Scripture which you possess; of that uprightness, which you should have put on with the bishop's office and dignity; and of that abundance of love which has been shown to you by the Apostolic See in so many ways; and turning these things over in our mind, we could not bring ourselves to think anything evil or unworthy of you." The pope then goes on to say that, whilst Langton's agents were representing that "all things in England were peaceful and tranquil, so as to prevent by every means in their power the mission of any legate," others were "telling us of disturbances in the kingdom and eagerly beseeching us to dispatch a legate thither." Trusting to you, "though not indeed without suspicion (for why do you fear the eyes of the Apostolic See), we desisted from our design to send thither a legate, and determined to send simple messengers. When they were ready to start, so that in two days' time they would have left the city, your letters arrived containing assurances that peace was fully established in England." Upon this the orders to the nuncio were recalled. Immediately after, however, "we were informed by the other side," of the king's attack upon Falkes de Breauté, and of

[1] *Royal Letters*, i. 544.

the fact "that you with other bishops had published an excommunication against him and his. What can you say to this? Will you reply, that after your letters had been dispatched to us discord broke out against your expectation? If so, why did you not inform us about it at once? Perhaps you will say, that justice required arms to be taken up against the foresaid noble? But most certainly prudence would have required the contrary, and at the present time prudence should rather be considered. Where then is your great wisdom, if it has been done by your advice? We consequently warn your Fraternity, and strictly order you, by our Apostolic letters that . . . you cause the king at once to abandon the siege of the said noble, and that you, without delay or difficulty, relax the sentence you have laid upon him and his followers." By so doing, and "faithfully carrying out our order, you may justify our trust in you and give us greater hope of your love."[1]

Henry replied to the pope with firmness and dignity. The case of the bishop of Winchester, as well as that of Falkes de Breauté had evidently, he says, been misrepresented to him. He had acted by the advice of those who knew the circumstances, and he details some of the doings of de Breauté, for which it had been considered necessary to punish him, that the pope might understand that the very order of the kingdom demanded peremptory satisfaction from the man whom the pope had gone out of his way to defend.[2]

The correspondence was dropped; but the pope's mind seems still to have been set on protecting de Breauté, and there can be little doubt that this was one reason which prompted him to take up once more his design of sending a nuncio, about which he had told Langton.

[1] *Royal Letters*, 543. [2] *Ibid.*, 224.

CHAPTER V

THE NUNCIO OTHO

In the year 1225 the needs both of the king of England and of the pope became pressing. In some way or other money had to be procured from the English people to carry on the administration of the kingdom and of the Church. The situation both in England and in Rome was extremely critical. In England the authorities of the Church, headed by Cardinal Langton, were resolved to resist, as far as they lawfully might, the growth of exactions on the part of the Curia, regarding them as tending inevitably to the utter ruin of religion in this country. In concert with the nobles, too, they were equally resolved to give no more aids to the king, unless he would pledge himself under the most solemn oaths to grant those measures of liberty which he had long promised them, but which under one pretext or another he had hitherto managed to evade. This was the situation when the pope determined to send over a nuncio to expedite the business in which he was chiefly interested; namely, the procuring of money for the work of the crusades, and the securing of some of the best ecclesiastical benefices in England with which to reward those whose services were necessary to carry on the general administration of the Church.

In preparation for this mission, as early as the beginning of February, 1225, Pope Honorius III endeavoured to gain a favourable reception from the king for his representative.

He urged the English bishops to help Henry liberally out of their ecclesiastical revenues, and shortly after directed his legate in France, Romanus, to induce Louis of France to act, in regard to matters in dispute between the two kingdoms, in such a way that the rights of England might be preserved, and Henry might realise that he had found in Honorius his natural protector.[1]

The needs of the sovereign had already been set before the parliament, which met at Westminster shortly after the close of the Christmas festivities, in January, 1225. Hubert de Burgh, on behalf of Henry, drew a melancholy picture of the foreign troubles and misfortunes of the nation, by which not only the king, but many of the nobles had suffered the loss of their foreign estates. As much was at stake, and because, if the fortunes of the British arms could not be retrieved, the general interests of the country at large would be placed seriously in jeopardy, he asked that the entire nation should rally to the king's assistance with a generous gift of money. He suggested that an aid of a fifteenth part of all movables, ecclesiastical as well as lay, would be sufficient to enable the king to defend the rights of the Crown and to reclaim the national inheritance over the sea.

Cardinal Langton and the other prelates discussed the matter with the lay peers and agreed upon a common reply to the royal demands. They would willingly grant the proposed tax, they said, provided that the king, upon his part, would grant those liberties which the nation had sought for so frequently, but had not been able to obtain. "Moved by his desire to obtain the money," says Matthew Paris, "Henry consented, and forthwith the royal Charters were dispatched under the king's seal into every county, and judges were appointed to view the forests and determine

[1] Bouquet, *Recueil des Historiens des Gaules et de la France*, tom. xix. 767.

their limits.[1] Simultaneously the royal agents were directed to gather in the aid of a fifteenth, by which these privileges had been purchased for the nation. Even at the time, however, in the minds of many, there were not wanting suspicions of the king's honesty of purpose, which subsequent events showed were not unwarranted."

Rumours of the difficulties which existed between Henry and his nobility seemed to have reached Rome early in the year 1225, and Pope Honorius addressed a letter of gentle admonition to the English king. "We rejoice in the Lord," he says, "and render Him thanks because your agents have told us and our brethren (the cardinals in Curia) that in all things you act in such a praiseworthy way, that the flower of your youth seems to give certain promise of pleasing and acceptable fruit. We are the more grateful for this since we embrace you and your subjects with the arms of sincere affection.

"But the souls of men, like their faces, are various and different according to the saying of the poet:

> 'Mille nominum species, et rerum discolor usus
> Velle suum cuique est, nec voto vivitur uno.'[2]

"Remembering this, since you are the common lord of all in your kingdom, it is well that you should strive to act fairly to all, showing yourself kind and favourable to every one. If differences arise, as among so great a number will happen, take neither the one side nor the other, but correct, rule and govern all with like affection, care and watchfulness. In this way your subjects, seeing in you the uprightness proper to your royal dignity, will not hesitate to leave their cause to your decision, and will put their trust in you as every loyal vassal does in his loving lord, and every dutiful son in his affectionate parent.

[1] Matthew Paris, iii. 91.

[2] Persius, *Sat.*, v. 52.

"We therefore beg your Highness to write these principles carefully on the tablets of your heart. Lay them up in the treasure-house of your mind and make use of them when need shall be. In particular, we would counsel your Highness and suggest in all good faith to you, that at this time you should not exact a full account from your vassals, nor alienate them by requiring the full payment of your revenues. This settlement and other matters which might cause discontent you should prudently defer to an opportune occasion. We would beg you to recognise, however, that your agents, whom we send back to you with every commendation for their fidelity, have presented your requests on these and other matters, and have strenuously and with insistence laboured to promote them. Some of them we have granted; others, by the advice of our brethren, we have thought proper to defer for a season. We think this is expedient at present; but when the time is fitting, we will listen to these requests and any others you may think proper to urge, for we love you with the fullest affection, as the special son of the Roman Church. We have hitherto striven to secure your peace and that of your kingdom within and without, even when we have not been asked, and by every watchful care; we will continue to guard this for you, and to afford you the favour, grace, counsel and help of the Apostolic See in all things, whensoever it is fitting." [1]

Simultaneously with this letter of advice to the young king, the pope wrote strongly to the English bishops upon the propriety of their granting a subsidy to meet the royal needs and arranging for its speedy and safe collection. "The Church," he says, "is ever ready to relieve the necessities of secular princes, by liberally affording them help

[1] Rymer, i. 177.

when it is called for. This is no prejudice to the liberty of the Church, but must be regarded rather as a work of charity. And, since our beloved son in Christ, Henry, the illustrious king of England, is said to be greatly in want of your help, we earnestly request and exhort all of you, and by these Apostolic letters command you to give him a contribution fitting to the condition of your churches." Then, after suggesting provisions for the immediate collection of this subsidy, the pope prudently adds: "We are, however, unwilling that this special favour of ours, and the fact of your charitable assistance should be hereafter pleaded as a precedent, or claimed as a right." [1]

Henry and his advisers, however, had deeper designs than Honorius had contemplated. The royal reply on this matter misunderstands—probably not undesignedly—the pope's plain directions as to the subsidy, or the "fitting help," which the clergy were urged by the pontiff to give to their sovereign. "Moved," the king writes to the Chapter of Salisbury, "by the pope's exhortations to come to our help, or more truly to their own help in our person, the prelates of our country first agreed to grant a fifteenth of their movables. But, as on your liberality depends the completion of the work upon which we are engaged, we earnestly beg that in your goodness you will take pity upon our needs. This indeed we look for merely from your good will, not from any obligation on your parts. By so acting, your desire should be, through your efficacious assistance, to oblige us to render thanks to the Roman Church for the benefit it has conferred upon us through you, and to compel us to be more ready to assist each and every one of you in any business you may have. Your desire should be, not only to act yourselves in this

[1] *Reg. S. Osmundi* (Rolls ed.), ii. 57.

way, but to set an example to others, which will indeed be useful and honourable to the Universal Church and the entire clergy." He then goes on to say that, by the advice of the archbishop of Canterbury and other bishops, he has directed his officers to require a tithe of all hay and mill produce on lands held by ecclesiastics from the Crown, and he pledges himself to exact the same for the future from the nobles.[1]

In forwarding these letters to the bishops of his province, Cardinal Langton wrote reminding them of what had been agreed upon. He begged them to use their influence with all concerned, that the proposed tax might be paid cheerfully. "In these days," he writes, "grave needs are pressing heavily upon the king, and considering how upright and good he is, and how upon his peace, the peace of the Church rests," we have determined to come to his aid with a grant of money, over and above what is usually given. And, although in their meeting the bishops had determined upon a fifteenth as a maximum contribution from the clergy, Langton suggests that under the circumstances, and as the pope had urged them to afford their sovereign a *competens auxilium* proportionate to their means, they should try and induce the ecclesiastics of their various dioceses to make the tax a twelfth part, or at any rate a fourteenth part, of their incomes.[2]

It may readily be supposed that these demands caused considerable misgivings in the minds of the clergy at large. Many of the secular priests, says one of the contemporary chroniclers, refused to pay the tax which the bishops had sanctioned, and the king forthwith applied to the pope for his letters to compel them to pay.[3] In the case of Salisbury

[1] *Reg. S. Osmundi* (Rolls ed.), ii. 56. [2] *Ibid.*, 58.
[3] *Ann. Monastici*, iii. 93.

diocese, there exists the record of meetings held by the Chapter to consider the situation. On the one hand they did not wish, or did not see their way, to refuse the suggested "fitting help" to the king: but on the other, they wished to secure that any grant they might make would not be at any future time strained into a precedent to their detriment. They could come to no satisfactory conclusion. It was a matter of common interest, they said, which made it imperatively necessary that all the clergy should act together. It would constitute a danger to the best interests of the Church if some were to order or arrange for the collection of the tax whilst others held back. Any premature action might prejudice the common interests of the English Church. The Salisbury Chapter therefore suggested that the archbishop of Canterbury should call together delegates from the various dioceses of England, who might agree upon a common answer to the pope, and at the same time, in concert with the archbishop, devise some effective way of obtaining security from the king that, should the tax be paid, he would not try and convert their free gift into a precedent for future taxation.[1]

Before this proposed assembly could meet, however, the clergy had other matters to engage their attention. In the middle of the year 1225, rumour in this country spoke of the appointment of a papal chaplain, Otho, as nuncio on a special mission to England. Considerable anxiety seems to have been felt in the country as to the meaning of this appointment, and various conjectures were made about it. In reality, the main object of the embassy was to look after the interests of the pope and the Curia in England; but in August, the king's agents, who interviewed the French legate at St. Omer's, wrote home to say that they suspected

[1] Wilkins, i. 602 *seqq.*

that the nuncio's real mission was to intercede in behalf of the pope for Falkes de Breauté. The papal legate, Romanus, had told them that, even with him, Otho had maintained a discreet silence as to the object of his mission, and that, though he had shown him letters from King Henry on the subject, and had tried to persuade him that it would not be prudent or politic to proceed to England, the nuncio turned a deaf ear to these suggestions, and declared his intention of carrying out the instructions he had received.

The legate Romanus promised Henry's agents to try and hinder Otho on his journey, and by his advice they wrote to their royal master to suggest that, should the nuncio cross over into England, the most politic way would be to receive him with all honour, and then to postpone the consideration of any business until such time as his real intentions could be discovered, when judicious delays could easily be arranged to prevent anything being done. If this plan should fail, they hinted that no doubt Otho could be induced, *precibus et pretiis*, to wait quietly until such time as the king could himself ask for, and receive, papal explanations as to the mission. Meantime, at all costs, Otho should be prevented from going about England, and thus perhaps stirring up an agitation in favour of Henry's enemies in general, and of de Breauté in particular.[1]

When this letter was dispatched by the royal agents in France, the whereabouts of Otho was not known, and all that was certain was that he was already well upon his journey towards England. It was a difficult situation, for in a postscript the agents confessed that they were really in the dark, both as to the object of the new papal mission, and as to the extent of the powers he possessed. It is not

[1] *Royal Letters*, etc., i. 264.

unimportant to notice that Otho was not appointed by Honorius as his legate, but merely as a nuncio. It will be remembered that Cardinal Langton had received the papal promise that no further legate should be sent into England as long as he lived, and this pledge was still kept unbroken in the appointment of a nuncio. The difference in the two offices is considerable. The presence of a legate *a latere* in a country, necessarily superseded all the ordinary ecclesiastical jurisdiction, as if the holder of the office were the pope himself; whereas a nuncio was merely a papal envoy-general, sent by the pope for a specific object, and possessing no extraordinary powers or rights over the existing ecclesiastical hierarchy of the country. It is useful to bear in mind this distinction, since it in some way explains the advice given by the legate Romanus for the reception of Otho in England, as well as what subsequently happened, partly, no doubt, in consequence of this advice.

Meantime the royal agents abroad dispatched messengers in various directions to discover and intercept the nuncio. They found him at last, and having interviewed him, returned with a letter from him to those who had sent them. After thanking them for the honour they had done him in sending their messengers to express their esteem for his high qualities, he proceeds: "I am astonished and not a little dismayed to understand that the lord king is at all angry or disturbed at my coming to him. It is not my intention to do aught, or to engage in any business which might issue in loss or injury to him, nor is it the design of the Roman Curia, that has sent me, that I should do so. My mission is rather for the advantage and honour both of the king and of his kingdom. I therefore hope that when I shall meet him and shall have fully explained what I have been ordered to do, I shall not only satisfy him

about myself, but in regard to the business I have with him and with others, I shall earn his gratitude."[1]

The actual date of Otho's arrival in England is uncertain. Probably it was in the late autumn of 1225 that he reached Dover bringing with him letters to Henry on what Roger de Wendover describes as "important business of the Roman Church."[2] When these were presented to the king they were found to request from England, what at the same time was being demanded from all the other Christian countries, and what our Chronicles have described as *exactiones indebitas*. Henry without hesitation declared that he neither could, nor indeed ought of himself to give any reply to the papal demands, since they touched the interests of both clergy and laity and were thus the business of the whole country. By the advice of Archbishop Langton, he consequently summoned a meeting of ecclesiastics and laymen at Westminster in the early days of January, 1226.

Meantime the nuncio opened to the king his plea on behalf of Falkes de Breauté, but to this Henry absolutely refused to listen, saying that his case had been considered and settled by the laws of the land, and refusing to allow any right of interference to outsiders. Repulsed in this way, Otho had no alternative but to drop the subject, and whilst awaiting the meeting in January amused himself by endeavouring to extract "from all the conventual churches in England two marks of silver under the head of 'procuration,'" or fees claimed for the support of papal officials in England.[3] A copy of his letter on this subject is preserved in the register of Bishop Poore of Salisbury, in which he claims the sums usually paid to legates and nuncios, and begs that they may be collected and forwarded to

[1] *Royal Letters*, etc., i. 270. [2] *Ibid.*, ii. 289.
[3] *Ibid.*, ii. 290; cf. Matthew Paris, iii. 97 *seqq*.

London "as quickly as possible." He adds that each "procuration" need not exceed the amount of two marks, and he begs the bishop to understand that he has no wish, "as God knoweth," to make a purse for himself out of these fees, and that they will be spent "on necessities which cannot be dispensed with" whilst he remains in London on the business of the Holy See.[1]

At the beginning of Advent, summonses were sent out to the bishops, deans, archdeacons, abbots, and other prelates, to come and "hear the commands of the lord pope" after Christmas.[2] The assembly met at Westminster, 13th January, 1226, and included the chief representatives of the laity as well as ecclesiastics. The king, however, could not be present. After spending the festival at Winchester, he had gone to Marlborough on his way to London, and here he was seized with an illness which for some days endangered his life.[3] At the opening of the parliament, Archbishop Langton received the news of King Henry's serious sickness, and was summoned away to attend upon him; in his absence and that of the Sovereign, the proceedings were opened by Otho. In the presence of this large body of representative clergy and laymen, the nuncio read the papal letters he had brought to England, which announced in plain terms what the pope asked of English churchmen, and why. They were almost a repetition of the demands which had been addressed the previous January to the archbishop and bishops of the country, but to which apparently little attention had hitherto been paid. Like its predceessor, the document now read by Otho in parliament, began by a general statement that the pope was fully aware that the old scandal and disgrace of the Roman Church

[1] *Reg. S. Osmundi*, i. 372.
[2] *Ibid.*, 369.
[3] Roger de Wendover, ii. 295.

was the stigma of avarice which rested upon it. This was naturally the root of all evils, and for the one simple reason above all others that, without the expenditure of much money and the bestowal of many presents, no one could expedite any business in the Roman Curia. "And," continues Pope Honorius, in his frank exposition of the lamentable condition in which he found the administration of ecclesiastical business in Rome, "since Roman poverty is the cause of this scandal and infamy, all ought to unite as natural children to relieve the needs of their mother (the Church of Rome) and of their father (the pope). For, in truth, unless we receive presents from you and other good and honest men, the very necessaries of life would be wanting to us, which would be altogether unfitting to the dignity of the Roman (Church). In order, therefore, to remove this scandal once for all, by the advice of our brethren, the cardinals of the Holy Roman Church, we have conceived a certain scheme by means of which—that is to say, if you are willing to accept it—you may free your mother from the breath of scandal, and be able to obtain justice in the Roman Curia, without the need of making presents."[1]

The papal plan was the following: in every cathedral church two prebends, one in the bishop's presentation, and one in that of the Chapter, should be set aside for the use of the pope: and in every monastery, where the revenue of the abbot and monks was divided, the pope should have what would be a monk's share, if all the revenue of the house was portioned out equally among the community, and a similar amount from the abbatial revenue.

The nuncio having read this communication, enlarged upon the advantages that would follow from a loyal acceptance of the papal proposals. When he had finished, the

[1] Matthew Paris, iii. 102-103.

bishops and other prelates asked leave to retire apart to consider and freely discuss the matter amongst themselves. After some deliberations they agreed upon a joint reply, and appointing the archdeacon of Bedford as their spokesman, they returned into the presence of Otho and gave the following answer to his request: "Sir, what you have proposed to us specially touches the prerogative of the English king and generally the interests and rights of all patrons of churches in this realm. It touches, too, the archbishops and their suffragans as well as numberless other English prelates. Since then the king by reason of his illness is absent, and the archbishop and some of the bishops and other beneficed clergy are not here, we neither can nor ought to give you any answer in their absence. Did we presume to do so we should be prejudicing the rights of all the absent prelates."[1]

Otho was forced to be content with this refusal to give him any immediate answer to his requests, more especially as messengers arrived from the king strictly prohibiting all prelates who held baronies from the Crown, from in any way pledging their lay fees to the Roman Church to the detriment of their service due to him. The nuncio attempted to force the assembly to fix another day, about the middle of Lent, for a meeting at which the king and absent prelates might be present and settle the business; but even to this the assembly would not consent without Henry's direction, and it was finally dissolved without having come to any conclusion.[2]

Otho never met the adjourned meeting. At the instance of Archbishop Langton the pope recalled him suddenly to Rome. In the Lent of this year, 1226, the nuncio was on his way to the north, for the purpose of gathering in the

[1] Matthew Paris, iii. 3. [2] *Ibid.*

fees he claimed as due to him for "procurations," when messengers with important papal letters overtook him at Northampton. These documents told him to return forthwith to the Curia, and took from him all his special powers. "Looking askance at them," says the chronicler, "he threw the documents into the fire, and forthwith changing all his plans he left England in distress, and with empty saddle bags."[1]

On the departure of the nuncio, Archbishop Langton was directed by the pope to call a meeting of the king and prelates and to send to Rome some reply to the proposals made in his name by Otho. In obedience to the pope, but when the late nuncio was well out of the country, Langton sent out a summons for a council to meet at St. Paul's, in London, on the second Sunday after Easter, 4th May, 1226. In this assembly, at which the king and all the prelates assisted, the archbishop caused the papal letters of demand to be read.[2] This, no doubt, included not only the documents published and commented upon by Otho, in the January meeting, but another letter directed about this time to the bishops and prelates of England, which is found in some of the episcopal registers. This latter document is important. After a preamble on the necessity and duty of keeping his high office unsullied, in name as well as in fact, Honorius writes: "We have often both known of and heard many people murmuring at the expenses they were put to in coming to the Apostolic See. We are, of course, aware that the presumption is that such reports are calumnies, because deceitful lips and evil-speaking tongues, together with flattering words spoken in public, are ever prone to cast secret and dangerous darts in their attempt to injure the Roman

[1] Roger de Wendover, ii. 304.
[2] *Ibid.*

Church. Such people are ready by their injurious remarks to deprive that Church not only of what equity, love, and favour would award as its due, but of what strict justice requires. . . . We have frequently found also that we offend in such matters those who have been sent to expedite business; but who, spending on their own pleasures money given them for necessary expenses, have recourse to the vile help of untruth, and cast upon others the odium of their own guilt.

"Seeing, therefore, that by such detractors of the Apostolic See grave injury seems to be done to Churches, prelates of Churches, and others, we have carefully considered with our brethren (the cardinals) by what possible care and means we might before God and man provide a remedy against such evils. In the end, by God's grace and after long and full deliberation, we determined to initiate something, which after all is neither new nor unthought of by our predecessors. Wishing to carry out what our advisers have helpfully suggested, we direct that there be reserved to us in every cathedral and other prebendal church for our own use, one prebend; and that, until such time as this may be arranged, there be assured to us a proportionate revenue. In monasteries also, and all other religious establishments, in collegiate churches, and also out of the episcopal revenues, in place of the prebends, there shall henceforth be reserved to us a fixed income, in proportion to the revenue. The total receipts from these will be applied to our needs, to those of our brethren (the cardinals), and to the payment of the staff of clerks in our chancery, and of the other officials of the Apostolic See. By these means provision will be made for our necessities of life, and all the business of those who come (to our Curia), will be transacted without payment, so that neither openly nor secretly

will anything be demanded, nor indeed will presents even be received for anything, beyond the usual fees for the issue of Bulls.

". . . Is it not lawful, is it not proper, is it not expedient, that in such a way daughters should reach out their hands to help their mother, who for their sakes is occupied in many and great undertakings? Did not many prelates and men of great influence urge this course at the last General Council? Did they not then seem earnestly to wish it? But at the time it was the Holy See that postponed the settlement of the affair, lest it might appear to have called the Council for that reason. To carry into effect this loving and pious design, by which the honour of God's Church may be greatly increased, and many occasions of maligning it be removed, we beg, ask, and exhort all of you in the Lord, and by these our Apostolic letters command you to make these provisions in your cathedral and other churches, in the way described." Finally, in order to remove a standing grievance, the pope declared his intention, upon the completion of the suggested arrangements, to direct that upon the death of "beneficed Roman clerics" in England, the cures should revert to their original purpose, "lest," as he says, "if they should be given to successive foreigners, as has sometimes happened, they become useless to the parishioners of the church continually residing there." [1]

When these papal letters had been read and their purport fully understood, Cardinal Langton explained to the assembly that similar proposals had been made in France and had been rejected by the French bishops. In order that they might not take a false step, before having fully grasped the situation in all its bearings, he laid before them a brief account of the council of Bourges, which had been

[1] *Reg. S. Osmundi*, i. 366 *seqq.*

convoked in France by the legate Romanus for the same end for which the English meeting had been summoned by the nuncio Otho. At the French synod there had been present the archbishops of Lyons, Sens, Rheims, Rouen, Tours, Bourges, etc., with about a hundred suffragan bishops, as well as a great number of abbots, prelates and proctors of cathedral churches. Before commencing the actual business, the legate had suggested that all but the archbishops, bishops and abbots might return to their cures. The proctors representing the various ecclesiastical corporations, however, having got wind of the demands about to be made by Romanus on the pope's behalf, protested beforehand against any attempt to take the revenues of the prebends for the support of the Roman Curia. The whole nation, they declared, was against such a scandal, and that the king—St. Louis—and all the prelates and priests of France were ready to resist to the last, "even unto deprivation of every honour." "For," concludes this outspoken protest, "this would mean the ruin of the Church and kingdom." [1]

On the legate Romanus endeavouring to explain the advantages which might follow if what the pope asked was granted, the proctor of the archbishop of Lyons replied at length, emphasising in the strongest terms the fixed determination of the clergy to resist the proposed exactions. "The clergy feared," he said, "even more than the actual demands now made, the appointment of papal questors to collect the papal revenues, were these demands granted; for these collectors, under the name of 'procurations,' would certainly claim large additional fees for their expenses."

The appeal of the spokesman of the French clergy to the legate was concluded by what reads almost like a threat. "Your zeal," he said, "for the Universal Church

[1] *Reg. S. Osmundi*, ii. 51.

and for the Holy Roman See should move you; for it is to be feared that if all are made to feel the universal oppression, there will be a universal defection, which God forbid!" After such plain speaking there was nothing for the legate to do but to draw back as gracefully as he might. He stated that this demand which he had put forward had been decided upon after he had left the Curia, and that personally he would not have consented to it, and indeed was very sorry that it had ever been made. He added also that he believed that it was made on the understanding that it should not be enforced in France, unless other Christian countries, the Empire, England and Spain were willing to accept it. He finally pledged himself that no further attempt should be made in this direction until the prelates of other countries had given their assent to the proposed taxation, "which," he added, "I do not think will be the case."[1]

This exposition of what had happened in France left a profound impression on the English assembly. This is evidenced not only by the record in the English chronicles of the period, but also by the full entry of Langton's account in the episcopal register of Salisbury. The result of the English meeting, in view of what had happened in France, was a foregone conclusion. When the archbishop finally proposed the question to the assembled prelates, as he had been instructed to do by the pope's letters, "all," says the chronicler, "burst out into laughter at the covetousness of the Romans who did not understand the force of the moral:

> 'Quod virtus reddit, non copia, sufficientem
> Et non paupertas, sed mentis hiatus, egentem.'

To dispose finally of the matter, however, King Henry

[1] *Reg. S. Osmundi*, ii. 54.

called the prelates and some of the chief nobles apart; and having talked over the whole business, they gave the following reply to the request Archbishop Langton had made in the name of Pope Honorius:

"What the lord pope asks us to do is a matter which affects the whole Christian world. We are placed, as it were, on the very confines of the world, and consequently desire to see how other kingdoms will act in regard to these proposed exactions. When we shall have the example of what others do before our eyes, the lord pope will not find us more backward in obedience."

With this reply given to the demands of the Curia on behalf of the king and the prelates, the assembly was dismissed.[1]

[1] Matthew Paris, iii. 109.

CHAPTER VI

ENGLISH ECCLESIASTICAL POLITICS FROM THE DEPARTURE OF THE NUNCIO OTHO TO THE DEATH OF ARCHBISHOP LANGTON

When the papal proposals had been disposed of in the great meeting at St. Paul's, in the May of 1226, the Church in England once more returned to its normal state of government. The continued action of the pope on both ecclesiastical and lay affairs is still, however, manifested in the documents of the period. Thus, to take one or two examples of his direction in matters of state during the year 1226. Early in the year, Honorius III writes to Guy of Lusignan blaming him for his opposition to Henry. He reminds him that the oath of fidelity, by which he, as a vassal, was bound to the English king, was held everywhere as a sacred obligation. History will teach him how much men who understood their duty in this matter had suffered rather than be false, whilst, "as we have learnt," he says, "from the complaints of our beloved son in Christ, Henry, the illustrious king of the English," you have not hesitated without cause to break your fealty to him. He warns him of his sin in thus going back upon his solemn word, and declares that he is bound to warn him to return to his duty to his king, and being reconciled to his earthly lord, he may know that he has made his peace with his heavenly king. If, within a month, Guy de Lusignan has

not done what the pope commands in this matter, he is to be formally excommunicated.[1]

In the same way, at this time, Pope Honorius interested himself in obtaining the pecuniary assistance, of which, as had been represented to him, the English king stood so much in need. Thus he writes to the archbishops and other prelates in Ireland, asking them to contribute liberally to their sovereign, out of their ecclesiastical revenues. "The liberties of the Church," he says, "are not injured but rather strengthened, if, according as times and circumstances demand, their defender is helped liberally." Now the English sovereign stands in great need of money, and "as we have ordered an aid to be given to him by the clergy of England, we have determined to exhort, ask, and by our Apostolic letters order all of you" to do the same, "since the kingdom of Ireland is recognised as belonging to him."[2]

The pope's fatherly care of the young king was manifested in many other ways. His legate in France, Romanus, was directed to induce Louis, whilst attacking the Albigenses, to abstain from interfering in any way with the dominions of King Henry in France.[3] At the same time Honorius writes to the English king warning him not to help Raymund of Toulouse against Louis. The latter, at the request of the pope, had undertaken to repress the heresy that was rife in the dominions of the former. In making this demand on the French king for this service to the Church, the pope had acted upon the order of the General Council, that where any temporal ruler either could not or would not extirpate heretical opinions in his territory, it was the duty of the pope to invite someone else to undertake the work. This being so, Honorius warns Henry, whom he "loves with greater affection than other princes,"

[1] Rymer, i. 181. [2] *Ibid.* [3] Bouquet, xix. 771.

not to assist Count Raymund in any way, "for since he is excommunicate, with all his abettors," he says, "besides the stain it will be upon the purity of your faith (if you do so), it will involve you in the same sentence of excommunication."[1]

On the other hand, the pope exerted himself, by all means in his power, to preserve the peace, which was at best of a very precarious nature, between this country and France. His legate in the latter country was constantly warned to do all in his power to avert the outbreak of active hostilities between the two countries, and to secure a safe conduct and a proper treatment for Henry's messengers to the Curia, whenever they were passing through the French king's dominions.[2] Henry on his part, who was on the point of invading France when he received the pope's prohibition, read the letter to his counsellors, asked their advice, and, in accordance with it, put off his proposed expedition.[3] The king's brother, Richard of Cornwall, was also forbidden by Honorius to take any part against Louis during his crusade against the Albigenses of Toulouse.

As might be expected, the pope was not always well informed, in individual cases, about the facts. As a rule, however, his decisions were protected from error and his judgements rendered sound, by the employment of commissioners in the country to try the issues. Occasionally this useful and necessary precaution appears to have been neglected, with corresponding evil results. One such case happened at this time in regard to the wife of Falkes de Breauté, whose case had been, for some not quite obvious reason, warmly espoused by the pope. On the submission of de Breauté, after the fall of Bedford Castle, the wife of

[1] *Royal Letters*, i. 545. [2] Brit. Mus. Add. MS., 15,352, ff. 325, 335.
[3] Roger de Wendover, ii. 544.

that noble pleaded for the king's protection. Before the archbishop of Canterbury she sued for a divorce, on the ground that she had been married by force and had never given her consent.[1] She had been the widow of Baldwin, earl of Albemarle, and when Falkes de Breauté had earned the gratitude of King John, in 1213, by his cruelties perpetrated in Wales, John, as his reward, bestowed the Countess Margaret, with all her possessions, upon him.[2] Archbishop Langton appointed a day to consider her case, and finally her lands and possessions were restored to her by Henry, and she was placed under the protection of the earl of Warrenne.[3]

The pope was approached on the subject by the friends of Breauté. Possibly the late nuncio, Otho, on his return to Rome, had represented this aspect in the case, about which Honorius was specially interested, in which he had taken the view that the baron had been unfairly treated, and to which he had specially instructed its representative to try and secure a settlement with Henry. The report that de Breauté had received an additional injury in being separated from his wife, would tend not unnaturally to rouse the pope's displeasure, particularly in view of the repulse of Otho's offer of mediation in the matter. On 11th July, 1226, Pope Honorius wrote two letters on the subject. The first, directed to Archbishop Langton and others, expressed his desire to arrange the difficulties which existed between the king and de Breauté.[4] In the second, addressed to the archbishop alone, he speaks in very strong language about the matter in hand, and it is abundantly clear that he was entirely mistaken in the whole business; for he imagined that the wife of Falkes was detained from

[1] Roger de Wendover, ii. 281.
[2] Matth. Paris, ii. 538.
[3] Wendover, *ut sup.*
[4] Brit. Mus. Add. MS. 15,352, f. 341.

him, apparently against her will, and as part of the manifest injustice with which he had been treated. "When we think of the great learning given you by God," he writes to Langton, "we wonder how a counsellor, imbued as you are with a knowledge of divine scripture, can approve of advice which must result in offence to God and manifest danger to souls. Not to speak of other injuries which our beloved son, Falkes de Breauté, has suffered against his deserts, how can you take it upon your soul to support those who detain the wife of the said noble from him, and, to the scandal of many and to the danger of their own souls, violate the Sacrament of marriage?" He then warns Langton for the sake of his own reputation to remember the account that will be demanded of him at the last day. From one in his high position more is looked for and more will be required, and therefore he specially appeals to him to try in every way to get the king to do what he has written to tell him in this matter.[1]

During the year 1226 an election to the See at Durham caused some difficulty. Richard Marsh, the bishop, died suddenly at Peterborough, on 1st May; the chronicler, Matthew Paris, seeing in this an instance of the divine punishment on one who was "from the first, a persecutor of monks and religious."[2] The bishop was actually on his way to London with a number of legal advisers, to prosecute his quarrel against the monks of his cathedral, and had halted to pass the night at the abbey. Next morning he was discovered dead in his bed, having retired to rest apparently in his usual health. The monks of Durham applied to the king for leave to proceed to the election of a successor. Henry offered them his chaplain Luke, pressing them to accept him as their bishop. The electors replied

[1] *Royal Letters*, i. 547. [2] *Ibid.*, iii. 111.

that they would receive no one without a canonical election, and they remained firm in this resolution, in spite of the royal threat that, if they did not choose his nominee, they should wait seven years for a bishop.[1]

On proceeding to the actual election the convent came to the unanimous conclusion that the king's chaplain was unworthy of so high a dignity. They therefore made choice of the archdeacon of Worcester, William de Stechil, and presented him to the archbishop of York for confirmation,[2] and to the king for approval.[3] The king refused his consent; and the archbishop, probably on that account, withheld confirmation. An appeal was made to Rome, but the case apparently dragged on for more than two years. The elect himself and several of the monks went thither to support the election, and the king dispatched the bishop of Chester and the prior of Lenton to oppose it, and to prevent if possible the papal ratification of the monks' choice. In December, 1226, Pope Honorius wrote to the metropolitan of York to know why he had taken no steps in regard to the election of William the archdeacon, who had been commended to the Curia for approbation as "prudent, upright, learned and worthy." If within two months the archbishop has not held his canonical inquiry and certified the Roman authorities of the result, then the pope declares that he will himself proceed to consider and determine the case.[4]

The metropolitan then evidently held his inquiry, and reported against the form of the election. For Robert Graystones, the historian of Durham, records that at length, on the vigil of the Ascension, 1228, the case was settled. Honorius III was dead, and his successor, Gregory IX, pro-

[1] Roger de Wendover, ii. 309.
[2] *Hist. Dunelmensis Scriptores tres* (Surtees Soc.). App., li. 68.
[3] Roger de Wendover, *ut sup.*
[4] *Hist. Dunelmensis Scriptores tres, ut sup.*

nounced judgement. The pope declared that the election was uncanonical and must be judged to be void, because the monks, wishing to save time, had determined to elect by "inspiration of the Holy Spirit." The convent, therefore, asked the prior to name some person, and upon his designating the archdeacon William, the monks all cried out: "*Placet*: for he is a good man." Whereupon the prior, making the sign of the cross, declared that he made choice of the said William; and in the same way, and using the same form of words, the monks declared their agreement with him. This was no known form of canonical election, and for this reason the election was quashed. It is a curious thing that at this time many letters of the pope deal with irregularities in the process of elections; and, as in the case of Durham, it was found to be necessary in several instances to quash them altogether and appoint to the vacant offices.[1] Here, however, the pope, although pointing out that by law the appointment now devolved upon him, calling the monks who were at Rome for the purpose of the appeal, told them to present some names and that he would choose one of them. After consultation they proposed the translation from Salisbury of Bishop Richard Poore, whom they had previously elected, but whose election had been quashed in Rome. They were unwilling to offer any other names, and finally the pope consented to their choice, and translated Bishop Poore from Salisbury.

In Pope Gregory's letter, appointing Poore to his new diocese, the pontiff speaks of the damage done to the See by the unfortunate quarrels of the past years. He implies that Bishop Marsh was one of those unfortunate rulers who did not attend to the work "of correcting the wayward and gathering together the wanderers"; "who was not

[1] *Reg. de Grégoire*, ix., vol. i.

content with the milk and the wool of the flock, but desired to take the skin also from the very bones of the scattered sheep." Hence, desiring to obtain for the Church of Durham, which "had been so injured in spiritual and diminished in temporal resources," some ruler who was likely to repair the ills of the past, he had fixed upon the bishop of Salisbury as one likely to do all that was needed. "And," he continues, "since it behoves you humbly to accept what has been settled by us so deliberately," we order you, under the obedience you owe, to accept the charge we have placed upon you.[1]

Bishop Poore did not in any way desire the promotion. He would rather have died, as he writes in his letter to the dean and Chapter of Salisbury, than be torn from the place and people he loved so sincerely. He would have refused, he says, "had not God been the only cause, and the order of a superior and the obedience due to him, whom to resist, as wise men have pointed out to me, is to resist God. For who am I to resist or contradict the orders of the lord pope, the Vicar of Jesus Christ on earth."[2] He consequently goes to the north, as he is ordered, but he hopes that his canons will believe that his heart will always remain in his southern diocese.

Early in the year 1227, the English king was again in great need of money. At Northampton the barons were obliged to agree to the payment of £1,200, over and above the tax of a fifteenth, which all had to pay as an aid. This included the clergy; and all religious and beneficed clerks had to assent to this amount being levied upon their property, ecclesiastical as well as lay. They appealed to the pope, but without obtaining protection from him, for the king had secured the ear of the pontiff and "the arch-

[1] *Reg. de Grégoire*, App. lii. 69. [2] *Reg. S. Osmundi*, ii. 101.

bishops and bishops under papal orders compelled them to pay by ecclesiastical censures," which, says the chronicler, "the lay power would not have been able to do." [1]

Almost simultaneously with this, the king gave evidence of the uncertain character of his pledges, which subsequently made it impossible to rely upon them any more than on those of his father. In the month of February, Henry summoned a council at Oxford, at which he declared himself to be of age, and that he intended henceforth to transact the affairs of the State himself, without the advice of the bishop of Winchester, who had been his tutor since the death of William Marshall, earl of Pembroke. At the same meeting the young king publicly repudiated the "Charter of liberties of the forest," for granting which, just two years previously, he had obtained a grant from the nation. The ground of this repudiation was that, as these charters had been given whilst he was under age, he did not consider he should be bound to them in any way, now that he was his own master. In the same way, religious and others were informed that the sovereign did not admit any ancient charter or privilege; and that if they wished to enjoy any of the rights they claimed, they must take out new charters under the king's own seal, and for granting these they were forced to pay large sums into the king's treasury.

On 18th March, 1227, Honorius III died. One of his last acts, so far as England was concerned, was to send orders for the collection of money for the Holy Land,[2] and to remind those who had taken the cross of their duty in regard to the projected expedition, which, now that matters had been arranged with the emperor Frederick, he hoped soon to direct upon its way. He was succeeded by the

[1] Matth. Paris, iii. 122.

[2] *Reg. S. Osmundi*, ii. 77.

aged cardinal of Ostia, then eighty years of age, who took the name of Gregory IX. The new pope wrote to the archbishop and bishops of England to announce his accession, asking their prayers for the divine assistance in the duties of his high office, and ordering them to compel all in their respective districts who had taken the cross, to fulfil their grave obligations.[1] To King Henry he wrote in terms similar to those in which he addressed other Christian rulers. He looked on him "as a special son of the Roman Church," and exhorts and orders him "ever to strive to honour and revere the Holy Roman Church, your mother, thus walking in the footsteps of your ancestors," and, "as becomes a Christian prince, humbly and devotedly to help us, who by God's providence are called to rule it."[2] In a second letter, which apparently followed that announcing his election, the new pontiff addressed a more personal letter of fatherly advice to the English king. In it he earnestly prays him to cultivate a knowledge of God's law and endeavour in his acts to manifest true Christian devotion to His service.[3]

In acknowledging these letters, Henry appears to have acquainted Gregory IX of his desire to establish his personal rule in his kingdom and to get rid of the governors, who, by the authority of the pope's predecessors, had been appointed over him during his minority. He likewise seems to have complained about certain lands, which he thought belonged to the Crown, but which were kept from him. On this point papal letters were dispatched at once to Archbishop Langton, ordering him to make all inquiries and to satisfy the king.[4]

[1] *Registres de Grégoire IX* (ed. L. Auvray.) Tome i. No. 1.
[2] *Ibid.* No. 3. [3] P. R. O. Papal Bulls, Bundle xxxv. No. 30.
[4] *Ibid.* No. 23.

Early in this, pontificate communications passed between the pope and the king, which furnish a sufficient indication that the relations between the State and Church in general, and between Archbishop Langton and the king in particular, had become both cordial and settled. It will be remembered that Pope Honorius had not only refused to ratify the election of Langton's brother, Simon, to the archiepiscopal see of York; but had forbidden his return to England, and this at the king's request, or at any rate at that of his advisers. A few months before the death of Pope Honorius III, Henry had written, in December 1226, to beg that this prohibition might now be cancelled. Cardinal Langton, he said, "was strenuously exerting himself to shield him (the king) from anything hurtful and to help him to everything good." He understood "that if (the archbishop) could occasionally enjoy the society of his brother Simon, of whom, as is not to be wondered at, he thinks not a little, he would pass his life in less sadness, which we would much desire, and would devote himself to our affairs with even greater ardour." Henry consequently begs that leave to come to England may be no longer refused to Simon Langton; and "by the affection, which the archbishop has for us," we beg that "the pope will be pleased to grant this."[1]

In the last days of Honorius nothing was done in the matter; but on 19th May, 1227, Pope Gregory wrote, that the petition addressed to his predecessor having come into his hands, he willingly granted what the king requested.[2] The same day the new pope wrote to Simon Langton himself: "though the Roman Church may pour out the wine that you may experience its discipline, still together with the rod of a father it has the affection of a mother, and we

[1] P.R.O. Papal Bulls, Bundle xxxv. No. 83. [2] *Ibid.*, No. 84.

who, though unworthy, hold on earth His place, who in wrath restrains not His mercy nor forgets to take pity, now pour out for you the oil of mercy, after you have experienced the bitterness of the punishment, and after the rod offer to you the salve," and permit you, at the king's request, to return to England, which hitherto you have been forbidden to do by the Apostolic See.[1]

Gregory, from his first coming to the papacy, in no way relaxed the watchful solicitude over the English king, which the policy of his two predecessors had made traditional. On 25th May, 1227, he dispatched a letter of strong remonstrance to the French king on the policy of aggression upon which he had apparently once more embarked. He says that the Roman pontiffs had never hesitated to interfere to prevent menaces of English rights by the French kings, "since the kingdom of England specially belongs to" the Roman Church. It was altogether in defiance of the papal prohibition that the grandfather of the present French king had attacked the English sovereign, who ought to have been shielded from attacks as a crusader. Against the pope's prohibition also, the king's father had occupied almost all the possessions of England over the sea, and now once again rumour speaks of a design to disturb the peace which had existed between the two countries, and of an attempt on the part of France to wrest the remaining English possessions on the continent from the English Crown. Gregory II consequently warns the French monarch to desist from such designs, and at once to restore any parts of English territory he may have already occupied.[2]

Notwithstanding his great age, the new pontiff at once commenced to manifest as great a capacity of administra-

[1] *Royal Letters*, i. 548. [2] *Registres de Grég. IX.*, etc., i. No. 86.

tion as his predecessor. His letters deal with every kind of ecclesiastical business, from the organisation of the great crusade and the writing of individual letters of protection to those who had taken the cross, to the appointment of some minor official to a benefice in far-off England. In this last matter, indeed, Gregory IX seems to have taken a more personal interest than did even Honorius III. Several difficulties having risen about these papal presentations, and indeed, in one case, one bishop having refused to induct, it is hardly wonderful if the national spirit was stirred against a practice which could not be regarded as anything less than unwarrantable exactions from the revenues of the country. In the first year of his pontificate the same thing had been felt by the Church of France, and the Chapter of Paris had protested against the demands that were being made by the legate in the pope's name. He had made great promises of help to the French king out of the ecclesiastical revenues, which the French ecclesiastics held to be quite beyond his powers, and which they determined to resist, since, if allowed, it would, in their opinion, lead to the destruction of the Church.[1] Later on, as will be seen, the opposition to these "provisions" in this country became so acute, as to call forth a strong letter on the subject from the pope. This, however, was after Langton's death, for so long as he lived the relations between England and the Roman officials were apparently uniformly harmonious.

There is sufficient evidence, in the royal correspondence of the time, to show that there was a very great amount of business transacted at this period by the king's agents in Curia. On several occasions letters of credit for large sums —in one case amounting to as much as 3,000 marks—are

[1] *Registres de Grég. IX.*, etc., i., No. 134.

notified from Henry's representatives at the papal court as required to meet expenses. The great fact in the history of the papacy in the reign of Gregory IX was, of course, the quarrel between the emperor and the pope. We are not concerned with either the origin of the difficulties or with the course of events, except in so far as England was brought into the matter in her relations with the Holy See. Both the emperor and the pope had written their view of the situation to King Henry. In his reply to the latter the English king had expressed his grief at the sorrow caused to Gregory, but hints that he thinks the emperor has something to say on his side. He had, he writes, shown the letters received from the emperor Frederick to the pope's clerk, "Master Stephen," who was then with him, and by his advice had written in return to beseech the emperor not rashly to "depart from the duty owing to you and the Church, but humbly to obey and follow your directions." On the other hand the king did not hesitate to express his hopes "in the spirit of all fidelity and obedience, by which he is bound to such a father and lord," that should Frederick make any advances towards reconciliation, Gregory will receive him into peace.[1]

The same day the king dispatched his letter to the emperor. Whilst compassionating Frederick's wounded imperial dignity, he expresses his regret that the "enemy of mankind" has been able to sow discord between him and the Roman Church. He trusts that the pope may be somewhat moved by his prayers and advice, since he is more "bound to him by great and special obligations than to other earthly princes." And he further hopes that the emperor on his part will not "despise the hand of the Church, which is stretched out against him."

[1] Rymer, i. 189.

One of the important pieces of business transacted by the royal agents in the Curia, in the first years of Pope Gregory, had reference to the king's coming of age. It has been pointed out already that Henry announced his determination in the February of 1227 to rule his kingdom from that time without further assistance from the governor appointed over him. There were many of the nobles and others, who saw in this fresh evidence of the ascendance of de Burgh, and of his determination to remove the still youthful Henry from the influence of Peter de Rupibus, bishop of Winchester. The gathering distrust and dislike of the justiciar was not unknown to the king, and he took measures to obtain the papal approval of his design to take the reins of government into his own hands. Honorius III, however, died before anything could be done in the matter, and it was not till the beginning of 1228 that there are indications that the affair was again being mooted in Rome. The first sign appears in a letter from Gregory IX, directing that certain tournaments which were being held in England should be put a stop to. It had been represented to him, he says, that certain barons and nobles were taking advantage of these meetings to discuss the king's policy, and even to make compacts to resist it. This, if not checked, might lead to a serious disturbance of the peace of the kingdom. The pope, therefore, takes advantage of the attitude of disapproval which the Church has always maintained towards these tournaments, inasmuch as they frequently lead to loss of life, to prohibit them altogether, and he authorises certain bishops to excommunicate any who persist in taking part in them.[1]

A few weeks later, in the April of 1228, the pope

[1] Rymer, i. 189.

addressed the nobles of England directly upon their king's determination to rule, in deed as well as in name, and gave the project his approval. Even rulers, he says, whilst young, are rightly placed under tutors to prevent any rashness incidental to youth. This should last till they were grown up, unless an unwonted quality of prudence should supply the defect of age. And "though our beloved son in Christ, Henry, the illustrious king of England, is in years a youth, he is already, as we rejoice to hear, possessed of a man's mind, and has made such progress (in the qualities) of age and prudence, that what is wanting to him in years seems to have been made up to him in the virtue of discretion, and so there is no longer any reason to prevent his ordering, usefully and prudently, the kingdom and its affairs." Gregory then commands all by his "Apostolic letters" to give their help and cordial assistance to the directions he has given to the bishop of Winchester and the justiciar, to allow the king the full and free use of his royal authority. Any one that opposes this is to know that he lays himself open to the penalties of excommunication.[1]

The continued hostility of the emperor Frederick to the pope made the latter naturally all the more anxious to secure the support of other Christian kings, and to prevent any chance of hostilities breaking out between them. He exerted himself from the first, as has been already pointed out, to secure a continuance of peace, or rather of a truce, between France and England, which all during this period appeared to have been of a very precarious nature. Henry sent his ambassadors to Louis of France with every desire to carry out what "has been ordered us by the lord pope" in this matter.[2] And, upon the French king pleading that

[1] Rymer, i. 190. [2] *Ibid.*

he could make no lasting peace without the consent of the count of La Marche, to whom he and the queen mother, Blanche, were bound under oath not to do so, Gregory IX writes to his legate, Romanus, either to compel the count to release them; or, in the event of his refusal, to declare that such oaths were illicit and consequently not binding.[1] So anxious was the pope about this matter, that the nuncio, Master Stephen, the pope's chaplain, threatened Henry "with ecclesiastical censures if his commands were not obeyed;" and the king gives this as his reason for not at once proceeding to attempt to recover from the French king the ancient English possessions over the sea .[2]

In the year 1228 a serious disagreement between Archbishop Langton and the king is recorded by the annalist of Dunstable. It was apparently on a matter which affected the privileges of the See and monastery of Canterbury. Langton produced ancient royal charters in support of his claim, and on the plea that the archbishops had never made use of such rights, Henry objected to recognise these charters, but he afterwards gave way, and allowed the claims advanced by Langton. Before the settlement of the dispute, however, the archbishop became seriously ill and was carried in a litter to Slindon, where he died on 15th July, 1228.

[1] *Royal Letters*, i. 548. [2] Rymer, i. 191.

CHAPTER VII

TROUBLES AT CANTERBURY AND THEIR RESULT

On the very day of Langton's death, King Henry once more attempted to reconcile the emperor Frederick with the pope. He made another personal appeal to him; his only object, he says, being "to bring about the peace of the Church and to wrest a triumph from the enemies of the cross of Christ." He exhorts the emperor to remember "the honour due to God and Holy Church," and before undertaking his journey to the Holy Land to seek reconciliation with the pope. It would redound, he says, to his honour and glory; and he prophesies that, if the projected crusade were undertaken for God and with the Church's blessing, many would be found to aid him in the work.[1]

About this time the king asked the pope to sanction the removal of his father's body from Worcester to Beaulieu. King John had apparently made a vow to be buried in that monastery, which he had founded; but on account of the troublous times during which he had died, it was thought better that his body should be buried near at hand. Now, however, "kneeling at the foot of your holiness," Henry says, "by the bearer of this present letter we beg you lovingly to permit" the proposed removal.[2] The royal agents in Rome at this period also asked the pope to unite the two Sees of Waterford and Lismore, in Ireland. The bishop of

[1] *Royal Letters*, i. 331.

[2] Rymer, i. 192.

the latter See was dead and the king suggested that, before a successor was appointed, it would be well for Gregory IX to consider whether the better interests of the Church would not be served by uniting the dioceses. Both were extremely poor, and the works of religion were hampered by want of means, and so Henry desires to submit the proposal for amalgamation "to the holy Apostolic See."[1]

Whilst the archbishopric of Canterbury was vacant, it became necessary to elect a successor to Bishop Richard Poore, who had been translated to Durham from Salisbury. The letters and documents about this election are interesting and instructive. By the royal licence the electors met in September, 1228, and made choice of Robert de Bingeham, whom they forthwith presented to the king for approval. A few days later, Henry wrote to Rome to ask for the papal confirmation, saying, "that as the See of Canterbury was then vacant, such confirmation of the elect belonged of right immediately" to the pope. The dean and Chapter also wrote at the same time to present the elect formerly for confirmation. "Holy Father," they say, "in this matter you plainly act in the person of Saint Peter, whose seat you occupy." They then go on to inform him that the election had been according to the provisions of the Lateran Council and that it had been unanimous. They testify to the elect's qualifications, moral and intellectual, and certify the king's consent. Finally they beg that the pope "by the plentitude of his power, will ratify their election," and having confirmed it, will deign to appoint the bishop of London and other bishops to carry out the consecration.

The Salisbury canons then appointed two of their number to proceed to Rome with these and other letters, in order to expedite the business in the Curia as much as

[1] *Royal Letters*, i. 332.

possible. From the Eternal City the delegates wrote to furnish the elect with an account of their mission. They arrived, they say, on 12th December, and the day following visited all the cardinals, in order to interest and instruct them in the business which had brought them to Rome. They found all of them favourable to de Bingeham, the bishop-elect; but they were particularly well received by Otho, the former nuncio in England, who the next day introduced them to the pope. The Holy Father was at the time much occupied by a continuous stream of visitors, and so, on that occasion, they were able merely to give him a brief summary of their petition, and to leave all the documents with him. The following day they were again called to the pope, who asked them what they themselves wanted. When they had begun to say that, "since it had pleased him to deprive the See (of Salisbury) of a good pastor," etc., the Holy Father "raised his head, as if congratulating himself on his choice." When they came to the description of the elect as a "prudent and discreet man of mature age, highly cultivated in letters, skilled in law, in theology the best of doctors, and a celebrated preacher, all the cardinals present applauded." The delegates were then told to retire, and presently three cardinals came and "very sharply and minutely examined" them on all points connected with the election and the manner of holding it, till, as they say, "we were almost desperate, as it appeared to us to mean that (the election) was to be quashed." But they were mistaken, for the next day, 16th December, Pope Gregory himself informed them that all was entirely satisfactory, and that he confirmed the election. When they wrote the account of all this to the elect, they were only waiting for the writing of the formal documents.[1]

[1] *Reg. S. Osmundi*, ii. 110-116.

At the very time, when this business about the Salisbury election was thus so satisfactorily concluded, the question of the appointment to the archiepiscopal See of Canterbury was still in debate at Rome. On the death of Langton, the Christ Church monks, having obtained the royal licence to proceed to the election of a successor, made a choice of their prior, Walter de Eynesham. On being applied to for his approval, the king refused to assent on various grounds; one being that the father of the elect had been hanged as a thief. The suffragans of the province also protested, partly on account of the personal unfitness of the candidate; but apparently more strongly because the election of an archbishop ought, they contended, to have been held in their presence.

The elect would not, or, in view of the canonical nature of the election, probably could not, give way; and determined to apply for confirmation to the Holy See in spite of the king's opposition. In company with some of his monks he set out for Rome, and, presenting himself to the pope, asked for his decision. The royal agents were already instructed to oppose the confirmation by every means in their power, and they so contrived that nothing should be done in the matter until the arrival of the bishops of Chester and Rochester, who with John, the archdeacon of Bedford, had been selected to support the objections of King Henry and the suffragans of Canterbury. The Crown candidate at this time was apparently Ralph Nevile, bishop of Chichester and royal chancellor. In a letter written somewhere about December, 1228, Bishop Nevile's agent at the Curia, Philip de Arden, describes the situation. He had been received in audience by the pope, he writes, and had been questioned fully concerning the Canterbury election. The Holy Father had first desired to

know what the king of England had thought about the translation of Bishop Poore from Salisbury to Durham. Arden had replied that "he liked it well enough, but was greatly annoyed that his advice had not been obtained in the matter; and he would have been as much vexed if his own brother had been appointed in this way." Then the pope asked whom the king would like as archbishop, if the monks' election was quashed? "I mentioned your name," writes Arden, and on the pope's saying that he did not know you, I reminded him "that he had seen you on one occasion." I then said all that could be said in your favour. After that, Arden continues, the monk who was archbishop-elect, with some of his brethren, was introduced into the papal presence, and "I went in along with them to keep an eye on their movements, and when the pope saw me he asked me, jokingly, if I wanted a cowl? I said no, but that I should not mind a prebend in Canterbury church, which these monks monopolise. When the monks retired I explained to the pope what a benefit it would be to the whole Church if the monks were expelled and secular canons put in their place, as Innocent III had proposed to do. The pope thereupon asked how it was to be done? I answered that there were plenty of monasteries to which the monks could be sent, with competent pensions for life from the Canterbury funds; there they could serve God better than in their cathedral. I took good care," adds this agent, "to go in with the monks whenever they had audience, as my presence prevented them urging their suit."[1]

Matters dragged on till the beginning of Lent, when Pope Gregory appointed the Thursday after Ash Wednesday to settle the matter. On that day the royal agents, on

[1] *Royal Letters*, i. 339.

pressing their suit eagerly on the pope and cardinals, made the unpleasant discovery that there was very little chance of preventing the confirmation of Walter de Eynesham on the grounds they had chosen. They therefore determined upon a bold stroke. They offered the pope a tenth of all property in England and Ireland for carrying on his war with the emperor, if he would in return do what King Henry wished in regard to the election at Canterbury.[1]

If we are to credit the chronicler, Gregory was so anxious to overthrow the emperor that he gladly consented at once to find a way out of the difficulty. That way was found in the canonical examination of the elect by the two cardinals appointed by the pope. The elect was asked apparently several elementary questions in theology, and was found to have answered, according to the report, not only *minus bene* but *pessime*. On this ground the Holy Father quashed the election, and, on the suggestion of the king's proctors, appointed Richard, chancellor of Lincoln, to the See of Canterbury. In thus nominating to the vacant archbishopric, the pope, according to the Dunstable annals,[2] acted according to a wise custom by which, when an election was declared void, the pope by right appointed; but Matthew Paris considered that the circumstances were sufficiently extraordinary to note that "the said Richard was not elected archbishop, but appointed."[3]

The letter written by the pope to the suffragans of Canterbury to announce his decision, and to bid them receive the new archbishop, is recorded by Roger de Wenover. He speaks of the importance of the Church of Canterbury and of its high position among the metropolitan Sees of the world, and likens it, with its monastic Chapter,

[1] Roger de Wendover, ii. 360. [2] *Ann. Monastici*, iii. 116.
[3] *Chronica Majora*, iii. 170.

to the garden of Eden, over which it was necessary to place a worthy guardian. On examining the monk Walter, he had not thought him sufficiently learned for so important a post, and he hopes that in the person of Richard, the chancellor of Lincoln, he has found one with every necessary quality.[1] The pope wrote also at the same time to the prior and convent of Christ Church, and sent the pallium to the new archbishop by Walter de Cantelupe, afterwards the Bishop of Worcester.

Within a few months of the settlement of the Canterbury question in favour of the king, the pope asked that the promises made him by the royal agents might be redeemed. A papal chaplain, Stephen of Anagni, was sent over to England to collect the promised tenth of all the property in aid of Gregory's war with the emperor. He brought with him, for the information of the English nation, a full statement of the charges which the pope had to make against Frederick. The king called a parliament at Westminster on the second Sunday after Easter, 29th April, 1229. In this assembly the nuncio read the papal letters, and made his demands; he asked for the tenth of all goods in England, Ireland, and Wales, from both laymen and clerks, which had been promised to Pope Gregory by the royal agents.

In brief, the object of the papal mission was to induce the English people to accept the view that Gregory's attitude towards the emperor was taken up, not for any personal quarrel, but for the sake of the Universal Church, which the rebellious and excommunicated Frederick was seeking to overthrow altogether. Granting this position, it followed as a matter of course, that all loyal sons of Holy Church were bound to come to the aid of the Apostolic

[1] Roger de Wendover, ii. 362.

See, the riches and resources of which were not sufficient to enable the pontiff to cope with the danger. The king, being pledged to assist by the action of his agents in Rome, could say nothing; but the barons and laymen absolutely rejected the proposed tax of a tenth upon all their possessions. The clergy were left to their own devices. After a long conference, which lasted for several days, and after not a little murmuring, they, "being in fear of excommunication," consented to the demands of the nuncio.[1] Matthew Paris adds to the account of the capitulation of the clergy that it was known that the nuncio was aided in the pressure brought to bear upon them, by a compact with Segrave the justiciar.[2]

The nuncio then exhibited papal letters appointing him collector of the tenth, and determining how this levy was to be made. As the pope's debts were already so heavy that he stood in urgent need of the money it was to be collected not in the usual way, but by a method much to the pope's advantage. The parliament then broke up amid great dissatisfaction and universal murmurs.

The collection of the tax was not only unpopular, but it was carried out in the most oppressive way. The nuncio had devised a scheme to prevent delay in collection which was hitherto apparently unknown, at least in England. On his rounds he was accompanied by a body of usurers of the worst kind, who supplied the amount of the tax, but at exorbitant interest. This not only left a load of debt upon the shoulders of the clergy generally, but necessitated the pledging of the sacred vessels and church ornaments to these rapacious "merchants." In one case a stand was made, not indeed by the clergy, but in their behalf. The earl of Chester, Ralph Blundevil, forbade any monk or

[1] Roger de Wendover, ii. 375-376. [2] *Chron. Majora*, iii. 187.

clerk in his fee to pay the tax, and they only too willingly sheltered themselves under his authority. For the rest, all in "England, Wales, Scotland, and Ireland" were compelled to pay, soothed, as Wendover says, by the reflection that they were not alone, and that foreign and far distant countries were also made to feel the burden.[1] The nuncio Stephen, having scraped up the money by every means in his power, departed; and, adds Matthew Paris, "*Anglis foeda reliquit vestigia.*"[2] When the funds reached the pope's hands he forthwith distributed them lavishly among his military leaders and was thus able to strike a heavy blow at the emperor.

[1] Matthew Paris, iii. 188-189. [2] *Ibid.*, 189.

CHAPTER VIII

ARCHBISHOP LE GRAUND

THE departure of Stephen, the nuncio, left ecclesiastical England dissatisfied and discontented. The pope, having had his immediate wants supplied, bestowed certain favours upon the English in return. Some of the religious houses, on the score of poverty, obtained exemption from further payment of tenths, and the English prelates were permitted to confer benefices, vacated by Italians in England, on fit persons without considering whether such cures once provided for by the pope, by the existing law remained in his gift. A still more important concession on the part of the Holy See at this time was, that in future, when any English benefice was bestowed upon an Italian by a mandate of the pope, the prelates in this country were not to be bound to obey this order, if they were unwilling to do so, unless special mention of an abrogation of this indulgence was made in the document.[1]

During the year 1230 the attention of the pope was to a considerable extent occupied with the emperor Frederick, and the number of documents issued from the Roman chancery in regard to other countries is naturally somewhat small. Still even in this and the subsequent year, there is sufficient evidence of the continued watchful care of the papacy over the English Church and kingdom.

[1] Wilkins, i. 629.

Pope Gregory, for example, exhorts the English king to lay aside his apparent intention of undertaking a war with France, and the abbot of Citeaux is directed to act as mediator between the two countries. Henry writes to the pope to beg him not to permit the encroachments of the Irish bishops upon his royal prerogative,[1] and the pontiff enjoins English and Irish bishops not to excommunicate the justiciars, sheriffs and bailiffs engaged in making arrangements respecting royal castles and other property of the Crown, without clear cause and due warning.[2] This year also, the constantly recurring question of the employment of bishops as counsellors of the Crown, came once more before the Curia, and the pope gave his sanction to their employment.[3]

From the time of the king's repudiation of obligations contracted during his minority, and his declaration in 1227 of a determination to rule without governors although not legally of age, Hubert de Burgh had incurred the hostility of the nobility and clergy, who regarded him as the originator of both measures. For a time, however, the departure of the king's former guardian, Peter de Rupibus, bishop of Winchester, for the Holy Land, had left de Burgh without any competitor for influence over the king, and in spite of the pope's warning to Henry not to throw himself into the hands of any party in the State, he lent the whole of his authority to the favourite. An unsuccessful expedition into France for which de Burgh was blamed, which was followed by the return of de Rupibus, whom Henry received with open expressions of pleasure, were the first signs that the justiciar's influence over the youthful monarch was waning. Several circumstances combined to hasten his downfall. A quarrel arose between him and the new archbishop, le

[1] *Royal Letters*, i. 399. [2] Rymer, i. 200. [3] *Royal Letters*, i. 549.

Graund, in regard to the custody of Tunbridge Castle and other possessions of the earl of Clare during his minority. On making a formal complaint to the king of what he considered to be a gross infringement of his rights, he was told that the Crown claimed the power to appoint the guardians of the persons and property of earls that were minors. The archbishop thereupon took the matter into his own hands and promptly excommunicated all the invaders of the possessions in question and all who aided them or held communication with them, the king alone excepted,[1] since he was specially protected by the papal Bull of the previous January from all excommunication except by mandate of the Apostolic See.[2]

De Burgh not only had agents in Rome; but he had a good friend in the pope himself; and it appears probable that the action of the archbishop of Canterbury in this matter gave occasion, in July, 1231, to the papal prohibition against the excommunication of royal officials without papal sanction, above referred to. The archbishop went at once to Rome to plead his case, and the king dispatched Roger de Cantelupe with others to support his position against him. The primate made several complaints to the pope against the sovereign in the management of the kingdom. In the first place he declared that Hubert de Burgh practically ruled the kingdom to the exclusion of other nobles, who were despised; and further, that he had married without dispensation a wife too nearly related to his first wife; and lastly, that he had invaded the rights of the Church of Canterbury. In regard to ecclesiastical affairs the archbishop complained that some of the bishops of the province of Canterbury, neglecting their proper cures, sat as judges in the king's treasury; that as judges they tried

[1] Roger de Wendover, iii. 9. [2] Rymer, i. 199.

lay cases; and that they had to decide even capital offences. Further, he described how many of the beneficed clergy held more than two benefices with the care of souls attached to them, and how, like the bishops, they mixed themselves up too much in the affairs of State. For all these matters the archbishop earnestly besought the pope to find a remedy; and, moved by his appeal and the strength of the case, Gregory IX at once granted all that was asked of him. The royal agents attempted to defend the king and the justiciar, but could obtain nothing; "the archbishop's eloquence, the dignity of his personal appearance and his wisdom" gained the day completely.[1] Nothing, however, came of his victory at the Curia. On his way home, and when only three days' journey from the Eternal City, Archbishop le Graund died suddenly. "And," writes the chronicler, "with his death died also all the business he had carried through." So unexpected was the event that there were not wanting tongues to suggest that Hubert de Burgh had procured his death by poison.[2]

Le Graund died 3rd August, 1231; and already Peter de Rupibus, who had returned from the crusade this year, had succeeded in supplanting de Burgh as the king's confidential adviser. King Henry passed the Christmas with him at Winchester, when the bishop entirely recovered the royal confidence and resumed his position of chosen adviser to the youthful monarch.[3] He laboured to surround Henry with foreigners and to alienate him from his native subjects. Among the faithful foreign followers of de Rupibus, who readily seconded his efforts to displace the justiciar from the high position he had long held, may be named three, Peter de Rievaulx, his nephew, Segrave and

[1] Matthew Paris, iii. 205. [2] Roger de Wendover, iii. 16.
[3] Matthew Paris, iii. 211-212.

Passelew. When the ruin of de Burgh was accomplished, de Rupibus secured for these foreigners some of the high places in the State. Stephen Segrave became chief justiciar and Peter de Rievaulx treasurer,[1] whilst the removal of the English servants of the royal household quickly followed upon the Christmas festivities at Winchester.[2]

The national feeling against foreigners in general, and against the Roman clerks in particular, found expression at the close of the year 1231, in an unmistakable way. A body of people, calling themselves "men ready to die rather than tolerate the Romans beneficed in England," wrote letters to all the English bishops and cathedral Chapters informing them that they had definitely determined to free the country from this abuse and slavery. They threatened, if the ecclesiastical authorities chose to interfere in the hopes of frustrating their project, that they would burn and otherwise destroy their possessions.[3] A similar letter was sent to all who were farming the churches of the Roman clerics, warning them to abandon their charges. These letters were sent about the country without signatures, but sealed with the two swords, usual in the citations issued by cathedral churches to such as were called upon to present themselves for some purpose or other to the diocesan authority.

In December, 1231, the first outward sign of this movement manifested itself. By order of the pope a court had been summoned at St. Alban's to investigate the question of the marriage of Roger, earl of Essex, and his wife, who had applied for a divorce. When the court broke up a Roman named Cincio, a canon of St. Paul's, was seized by some members of this secret society, and only escaped from

[1] Matthew Paris, iii. 220. [2] *Ibid.*, 240.
[3] Roger de Wendover, iii. 16 *seqq.*, 27.

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their hands after some weeks' confinement and after being despoiled of his money. At the same time the archdeacon of Norwich, John de Ferentino, only escaped with difficulty and had to conceal himself in London.

The threats against foreigners became more numerous with the new year, 1232, and serious attacks were made upon their property. At Wingham, in Kent, the barns of a certain Roman clerk were pillaged; and upon complaint being made to the sheriff he sent some of his officials to make inquiry. They found the place occupied by armed men, who had already disposed of all the corn in the barn, selling some on easy terms and giving the rest to the poor. On being questioned about their proceedings they produced forged letters of the king, prohibiting anyone from interfering with them. Upon this matter being brought to the notice of the bishop of London, he at once took vigorous action. Having called together ten bishops, he got them to pass a joint excommunication on all who had been engaged in this work; and included in the same sentence those who had laid hands upon Cincio, the Roman canon of St. Paul's, and the authors of the threatening letters which had been widely distributed.[1]

These spiritual threats appear, however, to have done little to put a stop to the outrages by which a small but determined band of men designed to drive the strangers out of the kingdom. At Easter time, 1232, a general campaign appears to have been organised throughout the country. The barns of the Roman ecclesiastics in various parts of England were pillaged, and their contents sold or given to the poor. The perpetrators of these outrages obeyed the orders of one man, a Yorkshire knight, called Robert Twenge, who took the name of William Wither.

[1] Roger de Wendover, iii. 28.

He was the owner of property, which entitled him to present to certain benefices, and he was aggrieved at that right being superseded by the papal provisions which had been made to them. Although the number of those actually engaged in this work was small, it is almost certain that they had the sympathy of a great number, and that many influential persons among the clergy as well as among the laity knew of their proceedings and lent them countenance.

The Romans were terrified, and everywhere they sought shelter in monasteries, leaving their property to the spoilers. They appear to have made no complaints, probably preferring to sacrifice their goods rather than endanger their lives. It was not long, however, before the outrages came to the ears of the pope, and he at once wrote angrily to the king to put a stop to the doings. He reminded him of his coronation oath, and ordered him under pain of excommunication to hold a full inquiry and to punish the guilty with exemplary sentences.[1]

Commissions were also issued by the pope to seek out the guilty; for the south of England, Peter, bishop of Winchester and the abbot of Bury St. Edmund; for the north, the archbishop of York, the bishop of Durham and John Romanus, a canon of York. They were ordered to excommunicate all transgressors and to send them to Rome for absolution without right of appeal.[2]

When these courts of inquiry got to work very many of all ranks were accused of being concerned, directly or indirectly, in these outrages. Bishops (including the bishop of London), royal clerks, deans and archdeacons are named

[1] Rymer, i. 203.

[2] Brit. Mus. Add. MS., 15,353, ff. 133-140. The pope complains of the outrage to the Holy See in the treading under foot the *Bullae* of SS. Peter and Paul.

as consenting parties. De Burgh himself was pointed at as being the real instigator of the movement, although to him the pope especially appeals as a faithful son of the Roman church, to which, he says, "in these days you have taken care to manifest signs of your devotion and most welcome obedience." He begs him to see justice done, and to temper the king's anger at the issue by the Holy See of letters of inquiry into the disturbances. He must remember that "at this time they have often been asked for" and could not without grave injustice be refused.[1]

The ringleader of the movement, the knight Twenge, surrendered to the king and confessed that he was actuated by the sense of injustice in being defrauded of the presentation of his church by the sentence of the pope. He declared that he preferred to be excommunicated temporally than to be despoiled. In accordance with the papal injunctions he was sent to Rome, but Henry himself gave him letters testifying to his right and begged the pope to hear him.[2]

The conclusion of Twenge's history is curious. In 1239 he was dispatched to Rome with a letter signed by many of the leading barons, who had grievances similar to his. Matthew Paris has preserved this letter[3] in which they appeal to Gregory IX to safeguard their rights. They tell the pope that "the ship of liberties, won by the blood of their forefathers," seems to be threatened more than ever by the stress of storms. They "consequently feel constrained to wake the Lord, who is sleeping in the bark of Peter, loudly calling with one voice, 'Lord save us, we perish,'" and to invoke the authority of the Apostolic See to protect their right of patronage.

[1] *Royal Letters*, 549. [2] Roger de Wendover, iii. 29.
[3] *Chron. Maj.* iii. 610-612.

His mission was entirely successful. The pope not only restored Twenge's right of presentation, but in two letters addressed to Richard of Cornwall and the legate Otho, then in England, he confirmed the rights of the English lay patrons over their benefices. On which letters Matthew Paris moralised: "In this fashion the rights of laymen are protected, whilst those of ecclesiastics and poor helpless religious are left to the mercy of the spoiler. Truly the world threatens to rush onward to complete ruin."

To revert to the national movement; the return of de Rupibus to power caused widespread consternation; and a determined opposition was formed under the leadership of Richard, the earl marshal, son of the former regent. When summoned to a meeting of the council at Oxford on 24th June, 1233, they refused to attend and explained their motives in plain terms, whilst Robert Bacon, a Dominican, explained to the king that there could be no peace as long as the bishop of Winchester retained his paramount influence.[1] At a second meeting the barons insisted upon the removal of the foreigners and declared that, unless this was done at once, they would summon a great council and elect a new king. All the summer and autumn of this year, 1233, there was practically civil war in the country. The earl marshal was declared a traitor and the king fixed the date for his trial. The barons denied the legality of this step, as a peer had a right to be tried by his peers. The bishop of Winchester retaliated by boldly denying that there were any peers in England in the same sense that there were in France. Upon this the power of the Church was invoked, and the bishops threatened de Rupibus with excommunication as a disturber of the public

[1] Matthew Paris, iii. 244-245.

peace, and in fact they actually promulgated a general sentence against all who had turned the mind of the king from his subjects.

For some time after the death of Archbishop le Graund the archiepiscopal chair of Canterbury remained vacant. The first choice of the monks of Christ Church was unfortunate, though it would appear that they made it with the best intention of avoiding difficulties. Having obtained the royal licence to elect, they chose Ralph Nevile, the bishop of Chichester, the royal confessor, and at that time the king's chancellor, whom Henry had wished them to have for archbishop at the previous vacancy.[1] Matthew Paris speaks in high terms of Bishop Nevile's ability and qualities, saying that the monks regarded him as an approved defender of their Church, and likened him to Saint Thomas, who also had been made archbishop whilst chancellor of the kingdom. Their choice was of course at once ratified by the king, and the monks came to inform the bishop and to ask him to defray their journey to Rome to obtain the confirmation of the pope, and for money to meet the fees in the Curia. Nevile refused to give them anything whatever for this purpose, and they had to set out without his help, and having reached Rome asked the pope for the canonical confirmation of the elect. Gregory IX at this period had for his adviser in English matters Simon Langton, the brother of the late archbishop, and upon being applied to for information about the elect, Langton spoke of him as "a courtier and illiterate," and said that he was "rapid and hasty in speech." He hinted that if he were promoted he would aid the king and the whole kingdom to free England from its suzerainty to the pope, and would try and get rid of the tribute with which King John

[1] Matthew Paris, iii. 207.

had burdened the country. In Langton's opinion, Nevile would even go to the length of risking his life to repudiate this, relying upon the protests made by Archbishop Langton at St. Paul's to the act of John in resigning his crown to the papal legate, and setting his hand to the document "hateful to the whole world."[1] Upon hearing this, the pope quashed the election, telling the monks to go and choose someone who would be a good pastor of souls, of utility to the English Church, and a faithful and devoted son of the Roman Church.[2]

After this further disappointment the monks applied to the king, saying they were ordered to hold another election. On 11th March, 1232, Henry wrote to the prior on the subject. He forbade the monks to act upon the Apostolic mandate they had brought from Rome, as it seemed to trench upon the royal prerogatives. The monks must obtain his leave before they ventured to engage in any election even in the Curia.[3]

The king's difficulties having been met, and his royal licence obtained, the monks were finally allowed to proceed to an election. This time they made choice of their prior, John de Sittingbourne who, having been accepted by Henry, forthwith proceeded to Rome for examination and confirmation. The pope handed the elect over to Cardinal John de Colonna and others, who for three days examined him under nineteen heads, and finally expressed themselves well satisfied. Pope Gregory, who was himself ninety-four years old at this time, came to the conclusion, however, that Prior John, "though a holy man, was too aged and simple, and unfit for such a dignity; a good man but not made for that position." He was not rejected, but was

[1] Matthew Paris, iii. 207. [2] *Ibid.*, 208.
[3] *Royal Letters*, i. 406.

strongly recommended to resign. This he at once did, and requested leave to return home.[1]

Once more the monks were sent back to England to hold another election at Canterbury. By this time Peter de Rupibus had attained to the post of supreme adviser of the king; and at his suggestion, John le Blund, a teacher of theology at Oxford, was chosen. Having received the royal assent, he too set out, accompanied by some of the monks, to obtain confirmation at Rome. Again the election was quashed. Matthew Paris says that Peter de Rupibus even wrote to the emperor to interest himself in behalf of the elect.[2] But, in view of the relations between Frederick and the Holy See, it is difficult to suppose that this could have been the case. There is also a story about John le Blund having received a large sum of money towards the expenses of his confirmation, from the bishop of Winchester. But apparently the elect confessed to holding two benefices with the care of souls attached, against the provisions of the Lateran Council, and on this ground the election was set aside.[3]

The pope, meanwhile, had caused inquiries to be made as to the most fit man for the position of archbishop, and the monks were directed to turn their thoughts towards Edmund Rich, then treasurer of Salisbury. On the return of the envoys from Rome for the fourth time, the Christ Church monks applied for the royal licence to hold the election, which took place on 20th September, 1233. They acted upon the pope's suggestion and chose Edmund Rich as their archbishop, being actuated also by the fear that, through the influence of de Rupibus, they might perhaps have a foreigner thrust on them.[4] The pope's confirmation

[1] Roger de Wendover, iii. 29. [2] Matthew Paris, iii. 243. [3] *Ibid.*
[4] Cotton MS. Jul. D. vi. f. 130 (*Life of St. Edmund*, by Dom. W. Wallace, 554).

was, of course, a foregone conclusion, and this was accorded on 22nd December, 1233, on which date Gregory IX wrote to the suffragans announcing his ratification of the election, and to the king and the monks of Canterbury urging them to accept the new archbishop.[1]

Even before his consecration, the new archbishop-elect was called upon to act in a gravely difficult matter. A parliament was held at Westminster on 2nd February, 1234, at which he was present, and in which, at the head of the bishops, he presented a remonstrance to the king on the course he was pursuing, in putting himself so completely into the hands of foreign advisers. The bishop of Lichfield, "vested in full pontificals," had indignantly denied that friendship for the fallen earl marshal in any way implied enmity to the king, and he had obtained from the bishops generally a promise to utter an anathema against all who made such accusations.[2] This was followed by a solemn warning, given by the bishops to the king in person, against trusting to the bishop of Winchester or Peter de Rievaulx, and their accomplices, and letting them persuade him that his English subjects, whom they hated and despised, were disloyal to him. It was, they declared, by just such a policy that King John had been alienated from the affection of his people, and further, that it was by following the advice of the same bishop, that he had lost Normandy, dissipated all his treasures uselessly, nearly sacrificed his rule over England and never knew peace again, except by making his country pass through the horrors of an interdict, and by leaving it in the end as a tributary kingdom. They felt constrained to tell him the truth, they said, and they warned him that unless he changed all this, they would not hesitate to place him and

[1] *Registres de Grég. IX.*, i. col. 907. [2] Matthew Paris, iii. 268.

all his advisers under ecclesiastical censure, only waiting till after the consecration of the new archbishop of Canterbury to do so, should it be necessary.[1]

Meanwhile the king's agents in Rome had evidently not been idle, and the pope was induced to write a letter to the bishops of Durham and Rochester, which was intended to check the action of the archbishop. He had learnt with sorrow, he says, that the bishops had not acted as vigorously against the disturbers of the peace as he had urged them to do. He hopes that the archbishop will now prove that the choice made of himself was right, and that he will take every means to restore the tranquillity of the country, imperilled by the negligent attitude of the episcopate in the past. If he and his suffragans neglect their duty, then Gregory IX enjoins the two bishops to act promptly with full papal power.[2]

This letter was followed by another papal admonition directed to Archbishop Edmund himself, dated 3rd April, 1234.[3] His mission, as pope, is to unite and bring to harmony where there was division. "It is, therefore, necessary," writes the pope, "that you sedulously exhort and warn those born in England not to take it amiss if strangers living amongst them obtain honours and benefices in the country, since with God there is no acceptance of persons, and he who lives according to justice in any nation, finds favour in His sight." It is proper that you "show spiritual love and kind feeling to such as the English king has honoured, and "earnestly exhort others to show their trust and devotion to him. In this way, and in this way only, the new archbishop will be able to prove that the good reports upon which the pope had appointed him to his high office were well founded."[4]

[1] Matthew Paris, iii. 270-271. [2] *Royal Letters*, i. 554. [3] *Ibid.*, 556. [4] *Ibid.*

The archbishop was consecrated in his metropolitan church on 2nd April, and within a week he was called upon again to come into official opposition to the king on the all-disturbing question of foreigners. At a meeting on 9th April, a long list of grievances was read, and St. Edmund declared that he and his fellow-bishops were fully prepared to excommunicate the king if he refused to listen to reason. Henry surrendered, and the following day sent an order to de Rupibus to confine himself henceforth to the episcopal duties of his diocese, and no longer to take any part in the government of the kingdom. Peter de Rievaulx, the bishop's ally and friend, was ordered to furnish an account of his receipts as treasurer, from which office he was to consider himself dismissed. At the same time all the Poitevins were deprived of their posts in the public service and ordered to quit the country. The archbishop, with the bishops of Rochester and Chester, went from the king to the earl marshal, to take him the royal assurance of peace and friendship.[1]

Before the close of the year 1234 the pope was again bestirring himself to obtain the money necessary to prosecute the crusade in the Holy Land. He addressed an earnest appeal to the English bishops and people to help him. Those taking the cross were to be protected by the spiritual arm of the Church, and if they were in debt, their creditors were to be compelled to act reasonably towards them; if these creditors were Jews and had already exacted usurious interest, the secular power was to compel them to forego that interest, and until they did so no Christian was to be allowed, under pain of excommunication, to deal with them.[2] The crusade was preached everywhere by the friars, Dominican and Franciscan, who were

[1] Matthew Paris, iii. 272, 273.

[2] *Ibid.*, 280-287.

received in towns and villages with great ceremony and enthusiasm.

With a view to the more speedy collection of this aid, Roman officials came over into England. Matthew Paris tells us that while they went under the name of simple nuncios, they really possessed the ample powers of Apostolic legates, and by preaching, supplicating, ordering, threatening, excommunicating, not to mention their own fees, obtained under the name of "procurations," they reduced many of the clergy to practical beggary.[1]

Sometime in the following year, 1235, Peter de Rupibus was summoned to Rome. Gregory IX was at war with the Romans and desired his assistance. He had experience, gained in the Holy Land, and there was plenty of money in the Winchester diocese which, Matthew Paris hints, the pope was anxious to share with the bishop.[2]

At the same time many disturbances were caused in England by the oppressions of the foreign usurers, who had come into the country in the train of Stephen of Anagni, and who, by lending the clergy money to pay the papal tenth, had them in their power. The bishop of London first warned these rapacious money-lenders; and finding this of no avail, excommunicated them. Upon this, through their influence at the Curia, they prevailed upon the Roman authorities "peremptorily" to summon abroad the bishop, who was now old and infirm, to answer to injuries done to papal merchants! The bishop, however, unwilling to expose the shame of those connected with Rome, gave way and placed himself under the patronage of St. Paul, who had said, that "even if an angel were to preach the contrary (to the faith) let him be *anathema*."[3]

[1] Matthew Paris, 279. [2] *Ibid.*, 331-332. [3] *Ibid.*, 332.

CHAPTER IX

ST. EDMUND AS ARCHBISHOP

THE episcopate of St. Edmund was one long series of troubles. It is difficult, perhaps, in these days, to apportion the blame for all the quarrels and contentions, which naturally must have interfered with the due working of the See and province of Canterbury during the six years that he was archbishop. But it is not unreasonable to see in St. Edmund's previous career one cause at least conducive to that attitude of mind which led to misunderstandings with those with whom in later life he had to do. He was a student, whose training had not previously brought him much into contact with his fellow men, and a professor whose authority had been rightly accepted without question by his disciples. Because of this mental training it is more than likely that he was unable, or found it difficult, to make allowances for that deviation from strict law and principle, which every practical ruler of men has to admit as a working hypothesis. The word of the superior is not always in practice a law to his subjects, as that of the professor rightly is to his students; and the man who has been buried in books and used to teaching in the schools is apt to expect more of mathematical precision in obedience, from those over whom he may afterwards be placed by Providence, than in real life is usually accorded.

Be the cause what it may, the fact is obvious that the attitude adopted by St. Edmund in the government of his

archbishopric involved him in quarrels and contentions which lasted till his death. Almost the first sign of any difficulty, other than that with the king, is to be found in a letter of admonition addressed to him by the pope in February, 1234, less than a year from his consecration. This proves at least that reports, somewhat reflecting on his prudence, had already reached the pope's ears. Gregory had looked, he says, for great things from Edmund's promotion, and had rejoiced to hear that he had been so well received in the Church of Canterbury. For this reason it is all the more needful by prudent action to prove the wisdom of the choice: "Wherefore, although you are, as indeed you should be, a zealous defender of ecclesiastical liberty, and though we wish you to protect and specially to cherish it, we warn your Fraternity, and by our Apostolic letters order you, not to neglect the quality of moderation in your zeal. As becomes the dignity of your office, you should strive in all your acts to manifest a spirit of peace rather than of discord."[1]

At the same time it must be borne in mind that whilst the course of his public life shows St. Edmund as involved in what seem to be never-ending quarrels, there can be no sort of doubt as to the strict sense of duty which constrained him to embark upon them. As regards the personal sanctity which characterised his life, as well as his upright character and his fearless devotion to all his obligations, there never was any question in his day, nor can there be now, when time has revealed the facts more fully. That he was canonised by the popular voice directly it was known that he was dead, and that this judgement was ratified almost immediately by authority, is sufficient to testify to the personal esteem in which he was held, in

[1] *Royal Letters*, i. 558.

spite of all the differences and disputes in which he was engaged in his official capacity.

Early in his episcopal rule the archbishop was destined to come into collision with the monks of his cathedral monastery at Christ Church. The difficulty arose out of the consecration of Bishop Grosseteste to the See of Lincoln, which, for some reason or other, the archbishop proposed to confer in Reading Abbey. Being a Berkshire man himself, and Reading being near to his native place, he may have been more at home there than he yet was at Canterbury. The monks of Christ Church, however, claimed that it was their undoubted privilege to have the consecration of any suffragan of Canterbury carried out in the metropolitan cathedral under their charge. The archbishop, however, would not give way in the matter, and determined to disregard the protests of the monks. A short time before, a question about the expenses of the various elections to the archbishopric had been discussed between the convent and himself, and he had applied to Pope Gregory on the subject. He specially asked that the entire cost of the election of John le Blund, which was quashed by the pope, should be borne by the religious, and not by himself; or, as an alternative, that at least they should be compelled to pay half of the six hundred marks which it had cost.[1] The pope ordered an inquiry to be held by the abbots of Westminster and Waltham; and, on their finding, the expenses were, on 31st May, 1235, divided equally, according to the alternative proposal of the archbishop,[2] between the monks and the archbishop.

Before the pope's decision in this matter could have been known in England, the question of the consecration at Reading was already mooted, and had apparently al-

[1] Brit. Mus. Add. MS., 15,353, f. 292. [2] *Registres de Grég. IX.*, ii. No. 96.

ready passed beyond the region of concession on either side. To some who have written on this matter, the action of the monks in claiming such privileges appears unreasonable, if not puerile. In justice to them, however, it should be remembered that, where a privilege is denied or threatened, it may become the duty of those possessing it to protect their rights at all costs. Concession which, when privileges are admitted or at any rate not attacked, may be possible, becomes under such hostile circumstances unwise, and indeed generally impossible. This seems to have been exactly the case at Canterbury. From a letter written by Grosseteste himself to the archbishop on the very eve of his consecration, it would appear that the Christ Church monks not only refused their consent, but declared their intention of appealing to the supreme authority of the pope, should their protest be disregarded. The bishop-elect, consequently, earnestly implored St. Edmund not to insist, but to give way and allow the ceremony to take place at Canterbury as usual, "unless some reason of which I am not aware makes it impossible" for you to do so without sin.[1] It certainly looks as if the archbishop was determined to carry out his intention for the very purpose of setting aside the privilege, and without other reasons. The existence of the privilege was undoubtedly known to him, as it was granted by St. Thomas in his celebrated Charter of Liberties, which made "the common consent of the whole Chapter of monks of Canterbury" necessary for the consecration of any suffragans elsewhere than in the cathedral church.[2] What adds strength to the belief that the archbishop was acting more upon a whim than anything else is, that no real reason was apparently known to the Canterbury monks for his action; at least, they left Grosse-

[1] Grosseteste's *Letters*, 54.

[2] *Literae Cantuarienses*, i. Int., xlviii.

teste himself under that impression when he visited them and talked the matter over with them.[1]

In the event, Archbishop Edmund remained firm, and the consecration was held at Reading. The monks appear to have behaved well in the matter. Whilst resolving to have their rights determined finally by the Holy See, in order not to prejudice their case unnecessarily, they formally protested; but gave way in this instance for the sake of peace, and allowed the ceremony to proceed.[2] In November of this same year, 1235, Pope Gregory IX having heard the question at issue, formally confirmed the privilege by Bull, for which the monks had contended.[3]

The misunderstandings with the Christ Church community did not, however, end here. In fact, at this very time, another appeal against St. Edmund was already lodged in Rome by the prior of Canterbury in behalf of his community. This question was in some ways even more serious, as it regarded the revenues of certain impropriated churches and other matters, in which the monks considered that they had been gravely injured by the action of the archbishop. On 22nd December, 1235, the pope appointed a commission to hear and, by agreement of the parties, to determine the questions at issue; or, as an alternative, to establish the facts in dispute, and then remit its finding to Rome for final decision.[4] Acting on this commission, the abbots of Boxley and Lesnes summoned the archbishop and the prior to appear before them at Rochester on 10th May, 1236. The monks appeared by their proctor, but St. Edmund took no notice whatever of the summons. A second citation was issued for June, and the particulars of

[1] Grosseteste's *Letters*, 56.
[2] Wallace's *Life of St. Edmund of Canterbury*, App. iv. 477.
[3] Brit. Mus. Add. MS., 15,353, f. 319. [4] Wallace, *ut sup.* App. ix. 488.

the claims of the monks against him was at the same time furnished to the archbishop. He had interfered with their rights in regard to certain manors and churches, and he had claimed certain revenues which had always been regarded by his predecessors as belonging to the monastery. He had even appointed certain officials of the house, such as the sacrist, cellarer, and guestmaster, etc. Apparently also, the question of the appointment of a prior over the community complicated the situation. The archbishop not only claimed to make choice of the superior, but actually carried out his claim by an appointment. The monks, for the sake of peace, accepted his nomination, but appealed to the pope. Gregory IX, whilst praising them for accepting the nominee of the archbishop, declared that *de jure* the election belonged to the community.[1] To the second citation served upon him, St. Edmund again paid no attention, although the commissioners had reminded him that they were acting with the full power and authority of the Apostolic See. Out of respect to his office, however, they delayed once more giving judgement, even on the facts of the case, until the March following (1237).

A third time, although cited "peremptorily," St. Edmund neglected to appear, either personally or by a proctor, and once again the settlement was adjourned till 7th May. On the following day, however, 14th March, each of the two delegates was served with a prohibition from proceeding further in the matter, this being contained in a letter from the king, obtained by, or in behalf of, the archbishop. King Henry claimed that questions as to revenues and appointments to churches were not matters to be brought before the common court of Christendom (*Curia Christianitatis*), and that even the holding of such a court was an offence

[1] Brit. Mus. Add. MS., 15,353, f. 389.

against the rights of the Crown and his royal dignity. He consequently ordered the two abbots commissioned by the pope to desist and refrain from citing the archbishop before them. Whilst they were still in doubt whether to proceed and risk the consequences of disobedience to the king, or stay the cause and thus disobey the strict orders of the pope, they received a second letter from Gregory IX. The monks had naturally complained of the repeated failure of the archbishop to appear before the Apostolic tribunal, and of his reputed intention to invoke the royal authority to put an end to the proceedings altogether. The pope directed the commissioners to ignore any royal prohibition they might receive, and to do what they had been directed to do without delay.

Upon receipt of this second papal letter the commissioned abbots again cited the parties to appear on 16th July, 1237. The monks once more put in an appearance, and lodged a formal complaint that the royal authority had been invoked to prevent their cause being tried and determined in accordance with justice; but once again the archbishop refused to come, and in his behalf the delegates were served with another royal prohibition. The king asserted that the papal assumption, that cases such as this were to be tried by any commission from the "Court of Christianity," and not by judges appointed by the Crown, had never been allowed in England. Moreover, as there had now been a legate appointed by the pope to England who was "even now on the point of arriving," the royal orders were that nothing further whatever was to be done in the matter until his coming. Finally, in August, 1237, by the advice of the legate, the commissioned abbots remitted the case to the Holy See, and fixed 26th January, 1238, as the day when the parties, either personally or by proxy, should appear in

the Roman Curia. This phase of the long-continued dispute was brought to an end by a compromise. St. Edmund appeared in the Chapter house at Canterbury and himself proposed terms, which were at once accepted by the monks[1] as satisfactory. The mutual agreement was of course subject to the confirmation of the Holy See, and St. Edmund set out for Rome to obtain this sanction.

Unfortunately this was not to be the close of these long and acrimonious disputes between the archbishop and his monastic Chapter. Before the papal sanction could be obtained to the proposed compromise, fresh occasion of offence was given by the monks, or taken by St. Edmund; and he returned to England with the whole matter still at issue between them. A visit to Canterbury, in company with the legate Otho, led to an unpleasant discovery. The copy of the Charter of St. Thomas, which had been produced as the original, was in truth merely a copy. It was made by two of the monks, with the approval or connivance of the prior, from the ancient document which had accidentally been torn. The three incriminated monks received condign punishment; but the stigma, which for some time after attached to the religious generally, was finally removed by a letter of Pope Gregory IX, written in 1241, after St. Edmund's death. This document declared the community entirely innocent of complicity in the matter, and formally found that the Charter of St. Thomas was genuine and authentic.[2]

The relations of Archbishop Edmund with the Canterbury monks are from any point of view distressing reading. The two parties seem to have been incapable of understanding each other. The continuator of Gervase, the historian

[1] Wallace. App. cx. pp. 488-495.
[2] Brit. Mus. Add. MS., 15,354, f. 341.

of Canterbury, has summed up the chief points upon which St. Edmund insisted, and against which the monks contended: the archbishop claimed the right to establish a prebendal church for secular priests; he claimed to have the right to consecrate suffragan bishops where he wished, without the consent of the monks, notwithstanding the immemorial privilege of the Canterbury religious; he wished to substitute secular canons for the monks in the metropolitan cathedral; and as archbishop he desired to take an active part in the government of the monastery, and, as its superior, to correct abuses should he think fit to do so.

It is not difficult to understand the reason of the opposition which these proposed changes met with on the part of the monks. However right and reasonable they may have seemed to the archbishop, they cannot but have appeared unjust, and even tyrannical, to the bulk of the Christ Church community. The election of a successor to the prior, who had resigned in consequence of his complicity in the business of the forged Charter of St. Thomas, led to hopeless misunderstandings and complications. The archbishop suspended the monks and placed their church under an interdict; and the monks, after a long delay, disregarding the suspension, elected a prior notwithstanding the archbishop's positive prohibition. St. Edmund promptly excommunicated all who had taken part in the proceedings, and the consequent chaos continued from month to month in spite of the efforts of the legate Otho and of sundry English bishops, until St. Edmund's departure from the country. The cause of the delay in settling the question at issue before the Roman courts was entirely the fault of St. Edmund or of his representatives. The pope declares in his letters that a judge was appointed in the person of the bishop of Ostia, but that he was unable to proceed, "on

account of the contumacious action of the archbishop's proctor," who kept the case dragging on.[1]

The Christ Church quarrel was by no means the only one in which St. Edmund was involved. The abbey of St. Augustine's at Canterbury was likewise constrained to resist his assumption of authority over it, and the abbot appealed to the Holy See for protection against what the community conceived to be an encroachment upon their liberty. The question was more easily settled than that which for years disturbed the peace and well-being of the neighbouring monastery of Christ Church, and interfered with the possibility of cordial relations between the archbishop and his monastic Chapter. The chief matter at issue in the case of St. Augustine's related to the abbot's jurisdiction over tenants and clerics subject to the monastery; the annual payments levied in parishes belonging to it, and the benediction of the abbot without any oath of canonical obedience. The matter ended in a compromise, but not before extreme measures had been resorted to by the archbishop and the authority of the Holy See had been invoked. The monks were excommunicated, and at once appealed to the pope for protection. Gregory IX without delay wrote to the archbishop to say that he had appointed a commission to determine the question, meanwhile he was to remove his sentence. It behoved an archbishop, the pope said, "to safeguard the rights" of the abbey, not to infringe upon its privileges. He had heard with sorrow that St. Edmund had excommunicated the abbot and monks, and had caused the sentence to be published throughout the diocese, even in churches belonging to the monks, placing these churches, which were subject to the jurisdiction of the abbey, under an interdict, and suspending all

[1] Brit. Mus. Add. MS., 15,294, f. 338.

who had paid an annual sum to the abbey in recognition of its patronage. He orders the archbishop to desist from such proceedings, and he tells him that he has appointed a commission of abbots to see that what he thus orders is done.[1] The same pontiff subsequently confirmed all the privileges of St. Augustine's, and took the monks under the special protection of the Holy See.

At the same time a case of even graver importance had been raised by the monks of Rochester against the archbishop. On the death of Henry de Stamford, the bishop of Rochester, on 24th February, 1235, the monks proceeded to elect a successor, and presented him to St. Edmund for archiepiscopal confirmation. St. Edmund refused to confirm the elect on the ground that Rochester was under the patronage of Canterbury, and that the nomination of the bishop belonged by right to the archbishop. An appeal to Rome followed this refusal, and Pope Gregory IX again appointed a commission to try the facts at issue.[2] Here, as in the case of Christ Church, Canterbury, the commissioners were hampered in their work by the refusal of the archbishop to plead before them. Their first report was sent back from Rome as not being in proper form, and a second report was drawn and dispatched by some of the monks to the pope on 17th February, 1237. A delay of another year, however, was caused by the need of waiting for the arrival of the archbishop in the Eternal City. Finally on 20th March, 1238, rather more than three years after the commencement of the dispute, the pope decided in favour of the monks on all counts.

It is unnecessary to pursue the history of the archbishop's unfortunate quarrels further. He had difficulties

[1] Brit. Mus. Add. MS., 15,353, f. 387. [2] *Ibid.*, f. 384.

and costly litigation with the abbey of Westminster and with the bishop of London on the subject of certain rights of visitation, which he claimed. In both of these his contention was disallowed by Rome on appeal. Meanwhile, if naturally his ecclesiastical government somewhat suffered by these long and acrimonious disputes which embittered his relations with so many; still, there exists in the provisions of a provincial synod, evidence of his desire to maintain and support sound discipline in the Church.[1] Perhaps the most interesting of his exhortations in these constitutions, in view at least of St. Edmund's own unfortunate disputes, is the fifth decree which urges the need of mutual peace and charity. "Dearest children," he says, "we are all strictly obliged to keep the peace, since God Himself is the author and lover of peace, Who came to bring us peace not only (hereafter) in heaven, but also between those now on earth. And since we can never come to eternal peace save through the temporal peace which dwells in our mortal breast, we admonish you and charge you to keep this peace as far as possible with all men. Declare unto your parishioners that they be one body in Christ, in the unity of the faith and in the bond of peace; carefully suppress any enmities that may arise in your parishes; foster friendships; reconcile those at variance and, as far as in you lies, permit not the sun to go down upon the wrath of any of your parishioners."

With the removal of Bishop Peter de Rupibus and other foreign councillors of the king, Henry, whose character always inclined him to lean upon some one or other, placed himself under the archbishop as his chief adviser. Under his influence he pardoned Gilbert Marshall and Hubert de Burgh, and declared the outlawry, previously

[1] Wilkins, i. 635.

pronounced against them, to be annulled "because it had been promulgated unjustly and contrary to the law of the land."[1] The pope, who had warmly espoused the cause of the fallen de Burgh, congratulated Henry on his action in thus generously pardoning him. And the king took the opportunity when informing Pope Gregory of his compliance with his request about de Burgh, to demand that nobles and others might not be summoned to plead and be judged by any court out of England. The pope in granting this, took occasion to remind Henry that "the Apostolic See, your mother," had always shown favour and special love to you, and that he personally had "on every opportunity supported the interests of king and kingdom," and hoped ever to do so.[2] In return, the English king expressed his desire and intention of "obeying the orders of the lord pope," by entering upon any arrangement for the continuance of the good relations between his kingdom and France.[3] This assurance prompted the papal letters of November, 1234, to Louis IX, "earnestly exhorting him" to do his part in the matter.[4] The final arrangements were still, however, somewhat delayed by the refusal of the earl of March to agree to the peace or truce, and this attitude called forth a letter from Henry to the pope asking him to use his authority and compel the earl to come to reason.[5]

Before the close of the year, 1234, what is called in the Chronicles, "a grave discord" sprung up between the pope and the Romans generally. This necessitated the direct interference of the emperor in the Eternal City, an echo of which was heard even in England.[6] It is said by the writers of the period that all Roman clerics beneficed in England

[1] *Royal Letters*, i. 444. [2] Rymer, i. 211. [3] *Ibid.*, 212.
[4] *Royal Letters*, i. 557. [5] Rymer, i. 215.
[6] *Ann. de Theokesberia* (Ann. Mon., i.), 94.

were at this time deprived of their livings; and in the case of Rufinus, the nephew of the late legate, Cardinal Gualo, it was found, when inquiry was ordered by the pope, that he was in possession of many benefices, a thing prohibited by law.[1]

At the beginning of 1235, the pope exerted himself to bring about a good understanding between England and Scotland. He wrote personally to the two sovereigns, and sent orders to the archbishop of York to proceed to Scotland in order to urge the king to carry out his exhortations.[2] In his letter to the Scotch monarch he reminds him that he, the pope, "is bound to the English king by a special bond of love," and that, loving him as he does, he cannot refuse the office of mediator, "especially when he has been requested" to try and make the existing union between the two countries sure and lasting. The English king has shown him the outlines of the agreement made by William of Scotland, when he became liege of the king of England, and has asked him to confirm it "by his Apostolic authority."[3]

Almost at the same time Henry applied to the pope to use his authority also against the count of Brittany, and to compel him to return to his allegiance to the English Crown, even if necessary by the use of the spiritual sword of ecclesiastical censures.[4] The great question, too, of the king's proposed marriage occupied the latter half of the year 1235. At first Henry offered his hand to Joan, daughter of the count of Poictou, and at his own suggestion the lady applied to the pope to confirm the proposed union by his Apostolic authority.[5] In a short time, however, the royal attentions were transferred to Eleanor, second

[1] *Registre de Grég. IX*, i. 2,326. [2] Rymer, i. 214. [3] *Ibid.*, 215.
[4] *Ibid.*, 215. [5] *Ibid.*, 216.

daughter of Raymund of Provence, niece of the count of Savoy, and sister of the French queen.[1] The royal agents, who had been directed to obtain the papal dispensation in Rome for the proposed marriage with Joan, were consequently told to keep their own counsel for the time and not to proceed in the matter.[2] Eleanor was brought to England in the January of 1236 by her uncle William, bishop-elect of Valence, and married at once to the king. A few months later the pope, at the request of Joan, the jilted lady, wrote to make it clear to the world, that the reason of the king's rejection of their proposed union was nothing derogatory to her in any way.[3]

Simultaneously with his own marriage Henry arranged for a union between his sister and the emperor Frederick. The match was made "by the advice and arrangement" of the pope with the king and emperor.[4] And when the contract was fully ratified Henry addressed a letter to the pope explaining all that had been done and thanking him for his part in the matter. "He wished in this and all other matters," he says, "to carry out humbly and devotedly what you advise to be done according to your good will and pleasure, as becomes one who is the most devoted son of the Holy Roman Church."[5] He promises to pay a dower "according to the advice and order of your Holiness," and asks the pope, "in the name of the Holy Roman Church," to be surety to the emperor for its punctual payment,[6] promising to submit to any ecclesiastical punishment if he failed to meet his obligations.

William, bishop-elect of Valence, the queen's uncle, remained in England after the royal marriage and, quickly acquiring supreme influence over Henry, reintroduced the

[1] Rymer, i. 217. [2] *Ibid.*, 218. [3] Brit. Mus. Add. MS., 15,353, f. 356.
[4] Rymer, i. 220. [5] *Ibid.*, 225. [6] *Ibid.*, 226.

old and burning question about foreigners. Shortly after the marriage and coronation of the queen, a great council of the realm was held at Merton Abbey, and several wise provisions were exacted. In one point, the law of the Church was directly affected and led to some difficulty. According to English common law, children born out of wedlock have always been regarded as illegitimate, and not even the subsequent marriage of the parents has been held to restore them to the rights of legitimate offspring. According to Roman law and to the law of the Church, founded upon it, subsequent marriage was considered to legitimate pre-nuptial offspring. Bishop Grosseteste had been interested in the question in a practical way, since he had been summoned before the king's court for acting upon the view supported by canon law. He had consulted Archbishop St. Edmund as to how far it might be possible for him in conscience to make concession to the law of the land, to which he had been ordered by the king's courts to make the decisions of his episcopal court conform. At Merton an earnest appeal was made by the bishops to have the English law changed. They pointed out that the Roman and canon law was strictly in accordance with the principles of justice, that the change would certainly be to the interest of morality and tend to secure the peace of families. Their arguments, however, were met by a refusal on the part of the barons: they "would not have the laws changed."

Hardly had the parliament of Merton been dissolved than an alarm was raised that the foreigners had already regained once more their supremacy in the councils of the king. There was indeed some ground for the fear; Henry had chosen twelve sworn councillors presided over by William, the elect of Valence, and had bound himself to do nothing in the State without their consent. The discontent

of the barons reached such a pitch, and their attitude became so menacing, that Henry retired for safety to the Tower, where he made liberal promises of better government. He still, however, retained his foreign council, and even recalled some of the most unpopular of his late officials; and he allowed Bishop Peter de Rupibus to return to his See, although he had but just before told the emperor Frederick to beware of him as an evil counsellor[1] who was not to be trusted.

Henry was now no doubt in great straits. He stood in urgent need of money; and his attitude to all parties except the foreigners had left him without a friend upon whom to rely. In his difficulties he bethought himself, as usual, of the pope, and directed his agents to beg Gregory IX to send a legate over to England to help him. On the 21st August, 1236, the Holy Father replied to this request, in terms which show that this was not the first time it had been made: "The Roman Church," he said, looked upon Henry "as a special son and watched over his welfare like a mother, since by so doing it was consulting not any foreign interests, but its very own." The king's messengers had presented the royal request for the mission of a legate in the presence of the cardinals in Curia, but they thought it best to wait awhile before taking any step. Henry must remember that "previously he had urged the same request for a legate, and that when one had actually been appointed, then he had changed his mind and had asked to have the appointment revoked." Some of the cardinals had expressed a fear that this might happen again, and as also at present there was no one in the Roman Curia proper to send to England, the matter had better be delayed[2] for a time.

[1] *Royal Letters*, i. 467. [2] Brit. Mus. Add. MS., 15,353, f. 392.

The year 1236 passed, and the king's needs became still more pressing. He was constrained to summon a parliament to meet in London on 13th January of the new year. William de Raleigh, an official of the king, was deputed to demand an aid for him. The nobles were greatly angered at this fresh demand for money and at his unpopular attitude towards the foreigners. By the advice of some of the nobles the king professed himself ready to make reforms, to dismiss his present councillors, to accept as advisers three nobles elected by the barons, and to allow the sentence of excommunication to be published against all who should impugn the great charters which he had already more than once before confirmed. The money was granted in the form of a tax of a thirtieth on all the movables of ecclesiastics as well as of laymen. Henry, however, had evidently taken precautions to let the pope know the constraints that had been put upon him, and the presence of a legate was once again urged as a matter of pressing necessity. On 13th February, 1237, Pope Gregory writes that his request was granted. As Henry had urged him to do, he has determined to send over Cardinal Otho as legate. The cardinal knew England well, when previously in the country as nuncio, and he would do what the king desired. Otho's presence was indeed very necessary in Rome at the time, but the pope cannot refuse the king's importunity. He hopes that the cardinal will be received in such a way as "to make evident the devotion of a Catholic king, and to prove abundantly indeed the true filial reverence that Henry has for his mother the Roman Church." [1]

[1] Brit. Mus. Add. MS., 15,353, f. 433.

CHAPTER X

THE LEGATE OTHO

On 28th January, 1237, Henry received formal absolution from the archbishop for any censures he might have incurred by his frequent violation of the charters, which had been placed under the protection of the Church's anathemas. St. Edmund took this opportunity of obliging the king to renew his oath to respect all the liberties of his subjects secured by these charters. The solemn ceremony of absolution took place in St. Catherine's Chapel, Westminster, in the presence of the suffragans of the Canterbury province. Each bishop held a lighted candle in his hand, and Henry, holding his taper in the left hand, placed his right upon the Book of the Gospels, whilst taking the oath dictated to him by the archbishop. At the conclusion of the king's part, St. Edmund pronounced excommunicate any who should violate the rights secured by these charters, and, says Matthew Paris, whilst all according to custom had cried "Amen," "Amen" to this sentence, the candles were extinguished and cast smoking upon the floor of the chapel. The archbishop, in conclusion, spoke these solemn words: "Thus, let those who violate or wrongfully interpret these charters, be destroyed and their condemned souls smoke and stink in their place of punishment." Once more all present cried "Amen," and above all other voices it was noticed, says the chronicler,

that the king loudly signified his approval of this solemn curse.[1]

Henry's sincerity in all this may be doubted, however, without much injustice, since, as we now know, he had already taken precautions to obtain what he hoped would prove to be the restraining presence of a papal legate in England. By the middle of February, preparations for the departure of Otho from Rome were well advanced, and letters had been written to the English bishops as well as to the king announcing his advent.[2] Amongst the special faculties supplied to him for his mission, was one authorising him to absolve Henry from whatever oaths he had been constrained to take in prejudice to the rights of the Crown.[3] What this document especially refers to is made clear by two letters addressed at this time to Henry by the pope; one on the same day as the legate had received his faculties, the second a few months after the legate's arrival in England. In the first, Gregory IX reminds the king that at his coronation he had sworn to protect all the rights and liberties which pertain to the honour and dignity of his Crown. Notwithstanding this, as he—the pope—had been given to understand, Henry had imprudently been induced to alienate many things which belonged to the Crown by right, and to alienate which was not fitting nor according to the kingly honour. Such abjurations were also prejudicial to the kingdom, and consequently also to the Roman Church, to which (England) is known "to belong, in a special manner."[4]

The second letter, written after the arrival of the legate, was even more explicit: "We were greatly moved," writes the pope, "on hearing that, acting under the advice of

[1] Matthew Paris, v. 360.
[2] Brit. Mus. Add. MS., 15,353, f. 426.
[3] *Ibid.*, f. 439.
[4] *Ibid.* f. 437.

some indiscreet people, you have, with improvident liberality, surrendered to prelates and nobles, etc., certain liberties, possessions, and dignities, as well as many other privileges which belong to the rights and dignity of the Crown, to the great prejudice of the Roman Church, to which the kingdom of England is known to belong, and to the great injury of the kingdom itself. You have, moreover, bound yourself by oaths and charters not to recall these grants. Seeing, therefore, that by the said alienation this Holy See, the rights of which you may not in any way prejudice, is injured in no small degree," and the kingdom itself is damaged, we order you, notwithstanding your oaths, to recall the said grants and charters.[1]

Only a few months before the legate's appointment in June, 1236, the pope had carefully explained to Henry that by his coronation oath he was precluded from giving up in any way the rights and privileges inherent in the Crown. He pointed out that consequently any concessions that had been obtained from him by force of circumstances, or by those who traded upon his youth, were not to be held as in any way binding upon his conscience.[2] It was no doubt in view of the concessions and promises made in the January of 1237 by Henry, and of the solemn circumstances, which had attended the renewal of his oaths at Westminster, that fresh letters of instruction had been obtained by the royal agents, and that the legate had received full faculties of absolution for the king from all promises whatsoever.

Cardinal Otho arrived in England about 29th June, 1237. The king's request for the appointment of a papal legate had been kept so profound a secret, that, as Matthew Paris says, "the nobles of the country were unaware of

[1] Rymer, i. 234. [2] *Ibid.*, 299.

his coming." They were both surprised and angry when the news that he was on his way became known. "Our king," they said, "perverts all things. In every way he sets at nought our laws and disregards his plighted faith and promises. At one time, by the advice of his followers, and without even the knowledge of his friends and natural subjects, he contracted a marriage; now he has secretly called a legate into the country, who will change the whole face of the land; now he gives and now at will he takes back what he has given."[1]

This great English historian relates that, according to report at the time, the archbishop of Canterbury was as much surprised and annoyed as anyone, and rebuked the king for having summoned a legate from Rome. His advent, so thought St. Edmund, would certainly be a bad thing for the country. He could not, however, induce the king, even at the last moment, to stop his coming. Some of the English bishops, on the other hand, bowing apparently to the inevitable, sent messengers as far as Paris to meet the cardinal whilst on his way, and to make him rich presents. Otho prudently took only some of the precious things offered him, and distributed them amongst those who accompanied him. Henry meanwhile waited with impatience for his arrival, and welcomed him at the sea coast with every sign of reverence and honour, accompanying him on his progress towards London. Bishops and abbots and other prelates, we are told, received him everywhere in endless processions, and with the ringing of bells, showing him every honour, and heaping presents upon him. These manifestations of joy were, in the opinion of Matthew Paris "plus quam decuit"—more than was proper.[2]

[1] Matthew Paris, iii. 395.

[2] *Ibid.*, 396.

But although strongly biassed against the legate, the historian admits that his conduct in refusing so many presents was, whilst "contrary to the custom of Romans," prudent and so exceptional as at first to disarm the prejudice against him which undoubtedly existed.[1]

As time went on, however, Otho naturally became the recipient of costly stuffs, much money, plate, and an abundance of provisions of all kinds. De Rupibus, the bishop of Winchester, was foremost in pressing his gifts upon the cardinal's acceptance, but still Otho continued to act upon the dictum of Seneca: "to take everything that is offered is avaricious, to take nothing is churlish; to take something is a sign of your friendship,"[2] and so, whilst accepting some things that were offered to him, he refused others.

Otho's first work on coming to England was to try and reconcile certain of the nobles who had quarrelled, and that so seriously, that a tournament, which had been held at Blyth a few months before his arrival, had been turned really into a battle. Having accomplished this errand of peace, he next summoned the clergy to meet him in synod at London. The assembly was called for 18th November, 1237, in order that he might publish his appointment as legate with plenary powers, and to discuss certain matters of ecclesiastical discipline with the clergy.[3]

Meanwhile King Henry seemed bent on further alienating the affections of his subjects. Whilst relying almost entirely for advice upon his foreign councillors, he was yet constrained once more to appeal to his nobles to help him in his serious pecuniary straits. He asked now for a thirtieth part of all movables, and, after some hesitation and upon the renewed promises of the king to take his

[1] Matthew Paris, iii. 403. [2] *Ibid.*, 412. [3] *Ibid.*, 404.

own subjects as his chief advisers in place of foreigners, this was granted, but only that the nation might find once again that when the money was paid the royal protestations were forgotten. Richard, earl of Cornwall, the king's brother, at this juncture voiced the popular discontent, and upbraided Henry with thus alienating the affection of his people, and with squandering the great wealth he had already extracted from them. His plain speaking, however, had little apparent effect upon the king, who, "more and more," says the historian, "disregarded the advice of his own natural subjects." He, moreover, followed implicitly the advice of the legate, whom he had summoned into the country without consultation with anyone, "so that," to use the expression of Matthew Paris, "he seemed to worship his very footsteps, and declared in public, as well as in private, that without the consent either of the lord pope, or of his legate, he was unable to do anything in the kingdom, or to change or to alienate anything in it, since he was really not so much king as feudatory of the pope."[1]

Before the day appointed for the London synod, Otho had had time at least to endeavour to carry out a commission with which he had been charged by Pope Gregory in regard to the unsatisfactory relations which existed between England and Scotland.[2] On 27th March, 1237, the pope had written to inform Henry that he had commissioned his legate to try and arrange all outstanding difficulties between the two countries;[3] and a month later he had sent a letter to the king of Scotland, whom he blames for not observing his oath of fealty to the English sovereign.[4] On the 7th May, in order to make Otho's position in the matter clear and legal, the pope appointed him

[1] Matthew Paris, 412.
[2] Brit. Mus. Add. MS., 15,354, f. 1.
[3] *Ibid.*, f. 2.
[4] Rymer, i. 371.

legate to Scotland, as well as to England.[1] By Otho's advice Henry summoned the nobles to meet him at York, on 14th September, 1237, and by the legate's invitation the king of Scotland came to the meeting, where terms were satisfactorily arranged, and a treaty of friendship entered into between Alexander II and Henry. The Scotch king renewed his fealty at this meeting, and every occasion of quarrel was thus happily removed.

Before leaving the northern parts, Otho proposed to cross the border into Scotland and there to discuss certain ecclesiastical affairs relating to that kingdom, as he was proposing to do in the forthcoming synod for England. King Alexander, however, practically refused to allow him to do as he proposed. He did not remember, he said, that any legate had ever visited Scotland; there never had been an occasion to ask for one, he said, and now, thanks be to God! everything was well in his country and did not require any change. He warned Otho that the men of the north were rough country people, and he told him he would not answer for his safety if he attempted to enter Scotland. This was sufficient for Otho, and he elected to remain with "the king of England who was obedient to him in everything."[2]

[1] Brit. Mus. Add. MS., 15,354, f. 19.

[2] Matth. Paris, iii. 414. The Scotch king, of course, must have meant that no legate to England had ever claimed to visit Scotland as legate. The Bull of Clement III addressed to William, king of the Scots, on 13th March, 1188, makes it quite clear that legates from Rome to the Scotch Church were by no means unknown. Pope Clement speaks to the king of the "love and devotion which you have from long past had to the Roman See," and also that "as the Scottish Church is the special daughter of the Apostolic See, it ought to be specially and immediately subject to it." For this reason "it is lawful for no one except the Roman pontiff, or the legate *a latere* sent by him," to pronounce any general sentence of excommunication or interdict, etc.; and, further, that "no one might exercise the office of legate," unless specially sent by the pope for that purpose.—(Haddan and Stubbs, *Councils and Ecclesiastical Documents*, II., i. 273.)

Great preparations were made for the November synod at St. Paul's. The legate had a sumptuous throne prepared for himself at the western end of the church, and the archbishops, bishops, abbots, and other prelates, as well as representatives of all the conventual and cathedral chapters, were summoned to assist personally or by proxy at the meeting. All obeyed the summons, and a vast assembly gathered together on the appointed day, 18th November. At the first session, on 19th November, Otho was not present, since the bishops had asked him to allow them a day in which to examine the statutes he proposed to enact, and to discuss their provisions among themselves. The following day, however, the cardinal presided over the meeting, having first taken the precaution of getting the king to station some two hundred soldiers about the church in unseen places, as the rumour had gone about that pluralists and others, who were likely to be affected by legative legislation, would probably not hesitate to offer him personal violence. So large was the multitude of people present, says the chronicler, that Otho only with difficulty could pass through the throng. After he had been vested in full pontificals at the altar, a procession was formed to the throne, the archbishops of Canterbury and York walking in front of the legate, the former upon the right the latter on the left. Before the real business of the meeting commenced, the archbishop of York claimed the right of sitting in the first place, but, by the exercise of a little tact, Otho settled the difficulty in favour of Canterbury. Upon the formal opening of the meeting a message was brought to the assembly from the king by two nobles and a canon of St. Paul's, forbidding the passing of statutes in any way repugnant to the prerogatives of his Crown, and William de Raleigh, the above-

named canon, remained to watch the subsequent proceedings on Henry's behalf.

The preliminaries were not even yet concluded, for Simon Langton, the archdeacon of Canterbury, requested that the formal document of the legate's commission should be read. This was followed by the publication of a privilege, granted by Pope Gregory to England, for the universal keeping of St. Edward's day, and of the Bull by which he had canonised St. Dominic and St. Francis. The burning question of the day was that relating to the holding of more benefices than one by any one individual; this the Council of Lateran had forbidden, and by reason of the murmurings and manifestations of resentment, which even the rumour of coming legislation had brought to light, certain members of the nobility were formed into a body-guard to protect the person of the legate in coming and going to the synod.

After the gospel "*I am the good shepherd*" had been read, and the *Veni Creator*, with the proper prayers had been said, the legate opened the deliberations with an address, after which he caused the statutes he had prepared to be read to the meeting. These celebrated articles, known as the *Constitution of Cardinal Otho*, for centuries formed the principal basis of the ecclesiastical law in this country. They made no pretence to be exhaustive, for, as the cardinal expressly declared, "the other canons of the church were supposed to be observed," but they were merely intended to form a useful code which would certainly tend "to strengthen and improve the ecclesiastical state in England," if passed "by the vote and consent of the assembled council."[1] That there was considerable discussion upon certain matters is apparent from what the historian relates

[1] Matthew Paris, iii. 420.

concerning the statute as to plurality of benefices. Upon the words of the article being read, the bishop of Worcester, Walter de Cantelupe, taking off his mitre, made an appeal for some consideration towards those who were then pluralists and had not received the dispensation declared to be necessary by the Council of Lateran. By means of these benefices, he pleaded, they had been accustomed in England to keep up an honourable state, and to dispense their charities to the poor. To take away their benefices now would in many cases necessitate giving all this up. For himself, he said, he had resolved, when called to the ecclesiastical state, that if any of his benefices had to be surrendered, he would surrender all of them; and as he feared there were many of the clergy in the same mind, he begged that the legate would refer the matter again to the fatherly consideration of the pope.

The bishop further appealed for some mitigation of the statutes which regarded the Benedictines, by which it was proposed to forbid entirely the use of flesh meat. He said that this, in his opinion, would be a very harsh measure to many, on account of their poverty, and in particular to the nuns, who were weak and delicate, and for this reason alone this law required to be wisely relaxed. In this case also the bishop petitioned that the pope might be approached on the subject before the statute was made obligatory. To this the legate replied by saying that if the archbishops and bishops agreed with Bishop Cantelupe in these requests, he would willingly write to the pope on the matter. He added that, as he had heard that some thought the statutes proposed by him would only remain in force during the time he held the office of legate, it was necessary to let it be clearly understood that this was not the case, but that such legislation would be permanent. At his command, his clerk

read a certain decree he pointed out in the register of the lord pope, which declared that such legatine statutes had a lasting authority.[1] On the third day of the meeting the business of the synod came to an end, and after appropriate prayers Otho dismissed the Fathers with his blessing. They departed, says Matthew Paris, "not too well satisfied with their experiences."[2]

Apparently about the time of this assembly, the archbishops, in the name of the whole clergy, presented a long list of grievances which—so they considered—they had against the king. Henry had given them a charter of liberties, and had sworn to keep it. By his suggestion and assent, and with the consent of all prelates and nobles, a general sentence of excommunication was pronounced publicly against all who violated its provisions. Notwithstanding this, the king himself was now in fact indifferent to it. They complained also about many instances of a complete disregard of ecclesiastical law and privilege, and of lay judges claiming to determine whether a cause was to be tried in civil or ecclesiastical courts. The authority of the king had been invoked, and used, to stay religious causes, and to compel bishops to assign reasons why they refused to induct persons presented to certain livings by patrons, or confirm elections made in abbeys and other religious houses. People excommunicated for perjury and other offences against the Church, appealed to lay courts to oblige the ecclesiastical authorities to show cause why they should not be compelled to remove the censure; and generally they urged that the rights of clerics and others were either disregarded altogether, or deliberately infringed. For this state of things they begged that the legate would find full and immediate remedy.

[1] Matthew Paris, iii. 419. [2] *Ibid.*, 441.

To return to the legislation of the synod of London. A considerable number of the constitutions of the legate Otho were concerned with laws regulating the bestowal and proper holding of ecclesiastical benefices, and the qualifications of those beneficed. The question of married clerks was dealt with in some stringent provisions, and it was ordered that all such were to be deprived of the benefices they held, whilst a special declaration pointed out that according to the canons it was never lawful for sons to succeed their fathers in any ecclesiastical office. The clergy were warned against permitting certain abuses in the administration of the sacraments; and they were ordered frequently to explain on Sundays to their people in the common language, the proper form of baptism. The duties of archdeacons in their districts, and those of bishops in their dioceses, were carefully laid down, and particular attention was paid to the statement of the proper mode of hearing and determining causes in ecclesiastical courts. The particular articles, or chapters, were two only in number: one dealt with the consecration or dedication of churches, the necessity for which the legate had reason to believe had not been sufficiently understood in England. This statute directed that within two years from the date of this synod, all cathedral, parochial, and abbatial churches should be consecrated. The second particular statute referred to the diet of monks. Otho rejoiced to understand, he says, that in the late General Chapter the black monks had determined to keep the strict letter of St. Benedict's rule as to abstinence from flesh meat. This decision he approves and confirms by his legatine authority.

To this he added a reminder as to the law of Pope Honorius III that every novice after a year's probation should be obliged to make his profession.

Shortly after the close of the synod, the archbishop of Canterbury, St. Edmund, set out for Rome. The legate endeavoured to prevent his departure, but was unable to do so.[1] He had in Cardinal Otho, says Matthew Paris, "a powerful adversary at the Roman Curia, as well as at the king's court. In the Eternal City St. Edmund had the case of the Rochester election decided against him, as well as an appeal of the earl of Arundel. In this latter case, besides being compelled to take off the sentence of excommunication he had passed against that nobleman, St. Edmund had to pay costs amounting to many thousands of marks.[2]

During the absence of the archbishop from England, Simon de Montfort, with the king's leave, married his sister Alcinor, daughter of King John, and widow of William Marshall, earl of Pembroke. Richard, earl of Cornwall, the king's brother, and the nobles without exception, were much incensed with Henry for permitting this, and the people also seemed generally to side with them against de Montfort. The legate Otho, recognising the dangerous condition of affairs, approached the earl of Cornwall on the matter. He promised that if the earl would support the king at this juncture, he would get Henry to bestow large possessions upon him, and that "the lord pope would confirm" these grants in his behalf. The earl replied by reminding Cardinal Otho that as legate he had nothing whatever to say to the granting of lands, or even to the confirmation of such grants. He complained that though immense sums had passed through the king's hands, he was still poor, and that ecclesiastical revenues and benefices which pious founders had given to the Church had been secured as so much spoil by the crowd of foreigners who, through the king's policy, had found a home in England.[3] Upon receiving this reply,

[1] Matthew Paris, iii. 470. [2] *Ibid.*, 480. [3] *Ibid.*, 477.

Cardinal Otho recognised at once the serious nature of the situation. He went without delay to the king, accompanied by Bishop de Rupibus, and strongly urged upon him the need of attending without delay to the just grievances of his subjects. This, after some hesitation, Henry agreed to do, and the danger passed away for the time.

Early in this same year, 1238, the pope and the Roman Curia learnt, probably through Archbishop St. Edmund, then in Rome, that the minds of the English generally were gravely disturbed by the multitude of foreigners at that time in the country, and more than all, by the presence of the legate, whom the king had called from Rome without the knowledge of his people. Gregory IX consequently hastened to recall Otho, and, somewhat to disguise the cause, wrote to him about the difficulty of insisting upon the surrender of benefices by those who held more than one. This could not be done, he understood, without grave disturbances, and as it seemed for the time more prudent to leave matters so, it would be better for the legate to retire, so that by his presence he might not appear to give this the force of approval. The idea of recall did not please Otho, and he obtained a letter from the king, sealed with the royal seal, and with the seals of the earl of Cornwall and of all the bishops, declaring that his presence in England was very useful to the king, the kingdom, and the English Church.[1]

In the spring of this same year, 1238, the legate paid a visit to Oxford, and whilst being entertained at Osney Abbey, the students went out to the monastery to salute him. They were denied access to the cardinal by a foreign doorkeeper, and this rebuff led to a riot, during which Otho's foreign cook was killed. The papal legate was terrified. After hiding in the tower of the church, he himself

[1] Matthew Paris, iii. 473.

escaped in disguise at night to the king, leaving his attendants in hiding at Osney. The riot, which evidently commenced almost by accident, brought about a serious manifestation of hostility to the person of the cardinal, who, the rioters declared, was upsetting the kingdom and enriching his foreign followers with the spoils of the English. The king was then at Abingdon; and being greatly disturbed at the insults shown to Otho, sent at once to Oxford, and seizing some of the rioters put them into prison, first at Wallingford, and then at London. The legate meanwhile placed the city and university of Oxford under an interdict, and called the archbishop of York and the other bishops to London to discuss the affair with him. By their advice, on the humiliation of some of the ringleaders, he removed the interdict.[1]

On 9th June of this year the celebrated bishop of Winchester, Peter de Rupibus, after an episcopate of two and thirty years, died at Farnham. Henry now thought he saw a chance of securing the See for the queen's uncle, William, the bishop-elect of Valence. The Winchester monks, however, refused to consider the royal nominee, and elected Ralph Nevile, bishop of Chichester, and chancellor of the kingdom. The king declined to ratify their choice, and not only sent at once to Rome to give notice that the confirmation was to be opposed cost what it might, but immediately deprived the bishop-elect of the chancellorship. Gregory IX quashed the election; and upon the monks asking for the king's licence to proceed to a second choice, Henry again did all in his power to make them promise to choose his former nominee. To this they refused to agree, and after some delay they determined upon William de Raleigh, who was at once rejected by the king. The fol-

[1] Matthew Paris, iii. 485.

lowing year de Raleigh was chosen bishop of Lichfield, and subsequently bishop of Norwich, to which See he was finally consecrated.

On 18th November, 1239, the anniversary of his great synod, the legate Otho presided over a Chapter of the Benedictines. At this meeting he published a body of statutes for the Order, founded to a great extent upon the legislation of the popes, and especially upon those of Gregory IX and Honorius III. A few months later he took occasion of a meeting of bishops in London, on 20th February, 1240, to mitigate certain regulations which were considered too rigorous for general observance in this country. At this meeting Otho informed the English episcopate that he had been recalled by the pope to Rome because rumours of dissatisfaction and scandal caused by the greediness of the Roman clerics in this country had reached the pontiff's ears. Once more, however, the king interfered. He had been intending to hold a parliament at Easter, in which he hoped to secure the return to power of the queen's uncle, William the bishop-elect of Valence, and he looked to the legate's presence to protect him against the inevitable anger of the nobles. He consequently sent to Rome an urgent appeal for the retention of the legate, and moved heaven and earth that he might be allowed to stay in England to help him. Meanwhile the legate waited[1] for the decision. His preparations were all made, and even presents upon his departure had been received, when the king's messenger, a clever lawyer named Simon the Norman, returned in haste from the Curia with the expected letters, cancelling the previous orders for his immediate return.

At the end of July, 1240, Otho, his position in England secured, again called a meeting of the bishops. In this he

[1] Matthew Paris, iii. 526.

made proposals for a further tax to be levied upon the ecclesiastics of the country, under the name of "procurations," for his own support in England. The bishops were unanimous in resisting this fresh burden, saying that the Roman demands had already so exhausted the property of the Church in England that, even if they would, they could give no more. "Let him keep you," they said, "who has called you into England without our advice."[1] "What use," they exclaimed, "has the rule of the legate been to the kingdom or to the Church? He supports the king who afflicts the Church with various exactions." From this meeting, in which he obtained little satisfaction, the legate departed northwards with the intention of visiting Scotland. On the borders Otho was met by King Alexander II, who again, as he had previously done, strongly objected to his entry as legate into the kingdom. No such mission had ever been sent into Scotland, and as religion was flourishing there, and the Church was both prosperous and peaceful, there was no need for any such visitation as was proposed. After several long discussions, it was agreed that Otho should be allowed to remain in the Lowland towns for a time, so as not to appear as if expelled by force from the country. On his side, the legate undertook that by his stay no precedent was to be created.[2]

During the year 1239 the quarrel between Pope Gregory IX and the emperor Frederick had issued in the excommunication of the latter, and the publication of the sentence in the various countries of Europe. In England the declaration was made in every church of the kingdom; and the legate, visiting St. Alban's on his return from Scotland, personally pronounced the papal sentence in the monastic Chapter-house. According to the chron-

[1] Matthew Paris, iii. 567, 616. [2] *Ibid.*, 568.

icler of that house, Matthew Paris, the pope's letter, describing the causes which had led to the breach, would have had much more effect on the clergy and people of England generally in proving to them that Frederick was really the enemy of the Church and of Christ, had not the avaricious conduct of the Roman officials already alienated the popular affections. "Alas!" he exclaims, "how many sons have been turned against their father the pope?"[1] "The western Church and in particular the religious, and the English Church above all, has been made to feel the daily burden of the Romans," were the reflections of the people on hearing of the quarrel. "The emperor writes humbly and in a Catholic spirit of God, and only in his last letter has he attacked the pope, and that only in his person, not in his office; as far as we know he has neither publicly nor obstinately maintained anything heretical, nor has he sent usurers amongst us, nor devourers of our revenues."[2] Whilst these were the thoughts of the English people, the pope was in great money difficulties. Almost at this very time the pontiff was writing to Otho, begging him to secure some money from the English Church to help him in his struggle with the emperor. He suggests that the clergy should give a thirtieth part of their revenue for three years as an aid to the Roman Church in its necessity.[3]

During the year 1239, King Henry, in order to compass the appointment of the queen's uncle, William the bishop-elect of Valence, to the See of Winchester, intruded upon the monks a prior named Andrew. He was a foreigner, and obviously the freedom of election whilst he remained over the convent was much endangered. Through him the

[1] Matthew Paris, iii. 608. [2] *Ibid.*, 609.
[3] Brit. Mus. Add. MS., 15,354, f. 179.

king, in fact, managed to influence many of the religious, who were really tired of the struggle. What would have been the result need not be considered, as William the bishop-elect of Valence died by poison at Viterbo on 1st November, 1239.[1] On 11th January of the following year Pope Gregory quashed the election of the bishop of Chichester to the See of Winchester, as before related, but gave the monks leave to hold another election. The legate was charged to inquire and determine whether there was anything in the contention, urged on the king's behalf, that the two archdeacons of the diocese had a right to take part in the election. Otho was also to declare that any suspension or excommunication, which had been pronounced on the monks by anyone, was not to be allowed to stand in the way of their holding a valid election.[2]

Meanwhile the Winchester election and the king's action in regard to it had caused much talk. Bishop Grosseteste had written to the legate, begging him to see that a "fitting pastor" was chosen for the vacant See, and urging him "to prevent manfully all schemes" for capturing the office for some creature of the Crown. Report said, he wrote, that Henry was at Winchester, and "now using threats and warnings, now making promises or uttering prayers and persuasions, was endeavouring by all means to compass his end." This, he said, must interfere with the necessary freedom of election, which the king ought to be the first to safeguard; and the bishop begs Otho to prevent such a scandal as an election conducted in so unworthy a manner. In a second and longer letter Grosseteste returns to the subject, and explains how important he considers it, that a worthy bishop should

[1] Brit. Mus. Add. MS., 15,354, ff. 622-623.
[2] *Ibid.*, 15,354, ff. 262, 264, etc. Cf. Matthew Paris, iii. 630.

be elected, and that the election should in every way be free.[1]

The king, on the other hand, was determined to carry his point, and was urgent, through his agents in Rome, that the pope should do what he wished. He declared that there was reason to suppose that the monks intended to elect someone disloyal to him, or at least someone whose loyalty might reasonably be suspected. Early in January, 1240, Gregory IX replied to these representations in a letter addressed to Henry. He had restored, he said, the right of election to the monks of Winchester, as he had been pressed to do, but on the other hand he had written to the legate that he was to watch carefully that no one was put into the position who was not pleasing to Henry.[2] In the same sense the pope replied to Richard, earl of Cornwall, and other nobles, who had written to Rome to assist the king in the matter so long in dispute with any influence they might possess in the Curia. Before receiving their communication, Pope Gregory said, he had, by the advice of the cardinals, settled what was to be done, and had even dispatched the document he had penned on the matter. He could not now change again, if only "for fear that the Roman Church should be charged with levity" in dealing with such grave matters. Still, he promised to take care, through his legate, to avoid the appointment of any one likely to be displeasing to the king.[3]

The year 1240 opened by a meeting in London between the legate and the archbishops and prelates and many of the nobles. It assembled in January, during the Octave of the Epiphany, and the ecclesiastics at once formulated complaints against the king and his advisers. Churches, they said, had been kept vacant, and the rights and liberties

[1] Grosseteste, *Letters*, 183-188. [2] Rymer, 238. [3] *Ibid.*

of clerics had constantly been ignored or abused. They pointed out that again and again Henry had sworn to protect these liberties, and that on one special occasion he had himself, like the bishops, held a candle whilst sentence of excommunication had been pronounced against all violators of these privileges. The discussion ended as they desired, and the sentence was once again fulminated against all those counsellors of the king who had aided and advised him in the course he had pursued.[1]

Bishop Grosseteste wrote to Archbishop St. Edmund in strong terms, to strengthen him in his determination to secure the right of free election for all ecclesiastical positions. He said, that if the bribery, corruption, and intimidation then practised by State officials was allowed to go on, it would result in the destruction of the Church. It was, moreover, he pointed out, distinctly a violation of that freedom secured to the Church by the provision of Magna Charta, and by the confirmation of that charter by Pope Innocent III.[2]

Whilst the council of January, 1240, was still sitting, two messengers arrived from the emperor Frederick. They brought a letter to King Henry, in which the emperor complained vehemently that the papal excommunication had been allowed to be published in England. He demanded that the legate Otho, who had been brought by Henry into the kingdom, without the knowledge of any of his subjects, should be told to leave. As legate of the pope he was undoubtedly his enemy as emperor, and he was in reality getting together money to enable the pope to fight against him. The king replied that it was necessary for him to obey papal and ecclesiastical orders before those of any earthly prince, particularly as it could be

[1] Matthew Paris, iv. 3. [2] Grosseteste, *Letters*, 264.

shown that he (as king of England) was a tributary and feudatory subject of the pope. Notwithstanding this reply, Henry wrote at once to Gregory IX on behalf of the emperor, without, however, doing much good; and, on consideration, he advised the legate that it would be politic for him to leave the country. Otho promised to do so if a safe conduct was furnished him, saying: "It was you that called me from the Curia," and now "I demand a safe conduct from you that I may return in security."[1]

In view of his departure, the cardinal sent official letters to the various episcopal sees in England requiring immediate payment of large sums, said to be due as "procurations," for the proper support of his dignity in the country. At the same time, acting on letters from the pope, he offered to absolve all who had taken the crusading oath, on the payment of a sum of money to go towards replenishing the papal coffers. He also devised a scheme for levying a tax of a fifth on all foreigners beneficed in England, for the papal quarrel with the emperor. To those who upbraided Henry for allowing all these sums of money to be taken out of the kingdom, he merely replied: "I neither dare nor wish to oppose the pope in anything."[2] At the same time, on the other hand, he was induced to declare that the "Caursini" money lenders, who had for the most part come from Siena, should be at once banished from the kingdom. Many of them, however, by a judicious expenditure of money, were enabled to remain secretly in the country.[3]

In the late spring of 1240 the English prelates were again called together to hear from the legate an "instant demand" from the pope. Otho explained what great sums Pope Gregory had been obliged to spend in de-

[1] Matthew Paris, iv. 4-5. [2] *Ibid.*, iv. 10. [3] *Ibid.*, 7-8.

fending the Church against the emperor, and to help him in his difficulties, he required them to give him a fifth part of all ecclesiastical goods. Without hesitation the bishops unanimously refused. They replied that they could not, without much consideration, agree to any such impossible burden, especially as this really was a matter affecting the whole Church. The meeting was consequently adjourned to some future time.[1]

Before this second meeting could take place, however, the archbishop of Canterbury, by urgent letters to the pope, endeavoured to secure some redress of the evil custom by which the king could keep bishoprics, etc., vacant for long periods of time. He proposed that should such benefices be vacant for more than six months, they might be filled by the appointment of the archbishop of Canterbury. This was granted to him by papal letters on 14th May, 1240,[2] but on the protest of the king that this was an infringement of his royal prerogative, the pope gave way; but "not without the expenditure of great sums of money," writes Matthew Paris, did Henry obtain the practical revocation of these letters, by another, dated 28th July, 1240.[3] The result of the royal victory in this matter over the archbishop was that the king, feeling himself stronger than ever, once more effectually prevented the papal confirmation of the election of Boniface to Winchester, although the choice had been canonically and fittingly made.[4]

About this time it was rumoured in England that the pope had promised the Roman citizens that if they would help him against the emperor, he would find fitting benefices for their sons and relatives in England. Colour was

[1] Matthew Paris, iv. 10.
[2] Brit. Mus. Add. MS., 15,354, f. 294.
[3] *Ibid.*, f. 316.
[4] Matthew Paris, iv. 15.

given to this report by the assertion that the archbishop of Canterbury, Bishop Grosseteste, and the bishop of Salisbury had been directed to make provision for some 300 Romans from the first benefices that fell vacant in their dioceses, their own right of presentation being suspended until these had been satisfied.[1] Before this, however, St. Edmund first, and then the other prelates, had capitulated to the pope's demands upon the property of the English Church, and the papal collectors swept some 800 marks into their coffers from the episcopal revenues.[2] Upon this final demand, blank despair as to the state to which the English Church was reduced seized upon the archbishop, and he fled from England for ever.

Many of the ecclesiastics could ill spare the large sums which were at this time extorted from them and sent over to Rome to make a protest. One collector, Peter Rosso, earned an unenviable reputation by endeavouring to set the ready generosity of one prelate against the tardy reluctance of another, in order thus to induce prompt payment. The abbots of Bury St. Edmunds and of Battle, acting for the religious of England, complained to the king of the impossibility of paying the proposed tax and of keeping up their houses. The king, however, denounced them to the legate, and offered, should Otho desire to imprison them for their disobedience to the pope, to lend him a prison for the purpose. Seeing themselves thus abandoned, most of the abbots paid as best they might, and only a few stood out against what they declared to be an absolutely insupportable tax.

Meanwhile Pope Gregory had calculated beforehand upon the money he expected to receive from England and had endeavoured to discount it in France. Writing to his legate, he pointed out that the Holy See had borrowed on

[1] Matthew Paris, iv. 38. [2] *Ibid.*, 15.

the credit of large sums payable to it by all nations. The English were behind the other nations in their payments, and creditors were pressing; the pope consequently suggested that various foreign monasteries, of which a list was given in another document, should be invited to take up the credits, and that the English collectors should be ordered to send on the English money when it came to hand.[1]

All during the year 1240, the attempts to extract money out of the unwilling English clergy went on. Two more meetings were held at Northampton between the bishops and the legate, who was now accompanied by the notorious Peter Rosso. At the first of these nothing was done, as the prelates declared that they were obliged to consult their archdeacons before consenting to anything. At the second, they urged many reasons why they should not be compelled to pay. Previously, they declared, they had given a tenth to the pope, on the condition that it should not be construed into a precedent; and now that another demand was made, it was necessary that they should refuse, or it would be argued by canonists "that two acts make a custom." Moreover, they pointed out that the universal feeling was that the clergy did not wish to contribute to the expenses of a war against the emperor, and that if the contribution was to be general, it ought to be settled by some general council.[2]

The legate concluded from the experience of these two meetings that his only chance of success was to try and carry his point in small assemblies. His first attempt was upon the rectors of Berkshire, and in their reply, according to the annalist of Burton, the other clergy of England acquiesced.[3] They first declared their complete un-

[1] Mon. Germ., *Ep. Selectae*, i. 693. [2] Matthew Paris, iv. 38.
[3] *Ann. Burton* (Ann. Mon., i.), 265.

willingness to contribute to support the war against the emperor Frederick, who was not excommunicated "because he had seized upon or attacked the patrimony of the Roman Church." Further, just as "the Roman Church had its patrimony, the administration of which belonged to the lord pope," so "other Churches had theirs, consisting of the gifts of kings, princes, and other faithful nobles," which was not subject to tax nor liable to "pay tribute to the Roman Church;" also "all the Churches were under the care and guardianship of the lord pope, but were not under his dominion nor were they his property." Their protest then went on to point out that ecclesiastical revenues were intended for the up-keep of church fabrics, for the support of the ministers, and for alms to the poor, and such revenues ought not to be used for other things, especially as, in most cases, they were not sufficient to carry out these specific ends, etc. The legate, seeing that when united he could do little with them, determined to take them apart. He first secured the goodwill of the king, and then getting the authority of the bishops, who had already given in to his demands, won over some of the archdeacons to his side. The rest, rather than become noted as opposed to their brethren, gradually relaxed their opposition.

In the October of this year, 1240, the legate was at last really recalled to Rome. Gregory IX had determined upon assembling a general council in the Eternal City, and required the assistance of Otho in preparation for it. In August the pontiff had issued his letters to kings to send their proctors, and the bishops to assemble early in the coming year. He wrote to the bishop of Glasgow that the time had come for others to share his troubles and cares. "From the very foundation of the Church,"

he says, "Eternal Providence had intended it to be governed by one pastor with the plenitude of power; the other pastors being assumed to bear a part of his charge; just as the members (support) the head united to them, so are both bound together with an indissoluble union in any difficulty."[1] To prepare for this council, as has been just now said, the pope desired the services of the legate, who, however, did not on that account stop his preparation of supplies for the winter in this country, and his demand for "procurations" towards the expenses of his stay in England. Meanwhile, about the Feast of All Saints, 1st November, Peter Rosso and Ruffinus, Otho's two agents, returned from Scotland with £3,000 for the pope; and at the same time there arrived Mumelino, another papal collector, bringing with him twenty-four Romans wanting to obtain benefices in England. "Thus," writes Matthew Paris, "the English were the most wretched of all wretched people. They were ground between the upper and nether millstones. Now it was Peter Rosso, now Mumelino, now the legate, who ground down prelates, religious and clerics."[2]

On All Saints' day, by the advice of the pope, Otho summoned the clergy to meet him for the last time in London, having first won the goodwill of the king to his demands. At the meeting, so far from the clergy finding that they could rely upon Henry to protect them, he showed plainly that he was against them, and so they reluctantly consented to pay what the departing legate demanded. The only religious who made a stand against the exactions were the Cistercians, who upon Otho demanding "procurations" from them, appealed at once to the Holy See to defend them. Gregory advised his legate

[1] Brit. Mus. Add. MS., 15,354, f. 319. [2] Matthew Paris, iv. 55.

to content himself with moderate gifts of food from them, and to refrain from demanding money.

This was almost the last act of the papal legate Otho in the country. Henry kept the Christmas of 1240 at Westminster, and acceding to the legate's request, on the feast day created Otho's nephew a knight, and gave him a revenue of £30 stirling, which the youth promptly sold for a capital sum, as he knew he was leaving the country at once. Then at a banquet given to the legate, to the astonishment of many, Henry set Otho in the highest place—the royal place—in the centre of the table, himself taking the right hand and placing the archbishop of York on the left. Four days later Otho set out, accompanied by the king and his court to the very sea shore. When, on 7th January, they had embraced and separated, and Otho had really left, there was, says Matthew Paris, a general sigh of relief that the three years of the legate's stay in England had really been brought to a close.

CHAPTER XI

FROM THE DEPARTURE OF OTHO TO THE ELECTION OF INNOCENT IV

EARLY in the year 1241, the difficulty between the monks of Durham and the king, as to a successor to Bishop Poore, was settled by the resignation of the prior,[1] who had been the first choice of the community, and the subsequent election of Nicholas de Farnham. The bishop-elect had had a distinguished career at the University of Paris, had graduated in medicine at Bologna, and, subsequently taking to the study of theology, had become a professor of that science in the latter university. By the advice of the legate King Henry had called him over to England to "look after the souls and bodies" of himself and his queen, as their confessor and physician.

It was with difficulty that Nicholas de Farnham could be induced to consent to take upon his shoulders the burden of the episcopate. Bishop Grosseteste, however, finally overcame his reluctance, by representing that, as the king would certainly accept this election, his consent would put an end to the troubles and difficulties which had long afflicted the monks and See of Durham. "If you do not accept," he said, "the king will get some foreign, ignorant and unworthy person appointed" to the See.[2] The bishop-elect consequently withdrew his objection and was consecrated on 9th June of this year 1241.

[1] Brit. Mus. Add. MS., 15,354, f. 5,323. [2] Matthew Paris, iv. 87.

The death of St. Edmund abroad on 16th November, 1240, seemed to the king to present a favourable opportunity for the advancement of the queen's uncle, Boniface of Savoy, the bishop-elect of Belley. The Canterbury monks, who had proceeded to Rome to obtain canonical absolution from the censures placed on them by St. Edmund, returned to England in April, 1241, bringing with them letters addressed by the pope to the abbots of St. Alban's and Waltham, to declare the monastery of Christ Church free of all interdict, etc., *ad cautelam*, so that the monks might elect with safe consciences.[1] The king at once let them know pretty plainly his wish as to the result of their free choice; and the monks on their side, knowing that the pope and king would help each other, and that any other election would certainly be quashed, made a virtue of necessity and elected Boniface as archbishop. They knew nothing more about him than that he was the queen's uncle, and that, although bishop-elect of Belley since 1232, he was still only in subdeacon's orders.

Henry, in order to prevent the pope's rejection of the elect as unworthy, not only wrote to Gregory IX urging his claims and testifying that he was worthy to receive confirmation, but also had a special letter of recommendation drawn up, and persuaded many bishops and prelates to affix their names and seals to it, and this he forwarded to his agents in Rome, instructing them to forward the cause of Boniface by every means in their power. Matthew Paris relates, however, that many of the monks had grave qualms of conscience as to their part in electing to so high an office one about whom so little was known except his royal connections. Some were so greatly disturbed in

[1] Brit. Mus. Add. MS., 15,354, f. 343.

mind at what they had done that they betook themselves to the shelter of a Carthusian monastery, to expiate by a life of continual penance what they had come to look on as a crime.[1] The pope's confirmation was long delayed, in spite of all the royal agents could do to expedite matters; and, before it could be obtained, Gregory IX died. It was not till after the accession of Pope Innocent IV, in 1243, that the elect was able to obtain recognition from the Holy See and be consecrated to the Chair of St. Augustine.

Meanwhile the election at Winchester still remained unsettled, owing to the action of the king in refusing to accept the choice made by the monks. It is difficult to understand on what grounds the royal objections were based, as the elect, William de Raleigh, had been faithful in the king's service, and had previously been chosen to present the king's protest to claims, advanced by the legate in behalf of the pope, at one of the councils held at St. Paul's; and, as the royal representative, had remained behind to watch the proceedings on Henry's behalf. Since he had been first chosen for Winchester and rejected by the king, de Raleigh had been chosen and consecrated bishop of Norwich. The monks, however, in spite of the royal determination not to accept him for Winchester, carried their case to the Holy See. Whilst the decision was pending, the king tried by every means in his power to bend the refractory electors to his will. Immediately upon this second choice becoming known, the king required de Raleigh to sign a paper refusing the nomination to Winchester. This the bishop absolutely refused to do, on the ground that to refuse translation "was altogether unreasonable, and contrary to his profession as a bishop. For, should the pope order him under holy obedience, he

[1] Matthew Paris, iv. 105.

could not under any circumstances, if he were an obedient son, refuse."[1] Seeing that he could not prevail with de Raleigh, Henry next tried the monks. He intruded a foreign prior, who first created divisions among them, and then pronounced them excommunicated for their attitude towards the king. The unfortunate religious, however, remained firm, although he went to the length of sending amongst them creatures of his own to tempt or brow-beat them into submission. Their steadfastness called forth the anger of those who could not succeed in the task set them by the king. "Monkish obstinacy, unworthy pride disguised in a cowl," are samples given by the chronicler of the expressions which were used by the royal agents. Finally recourse was had to force, and, respecting neither age nor position, the king's officials carried off many of the monks to prison.[2]

Before the final settlement was arrived at in the Curia, as in the case of Canterbury, Pope Gregory IX died. For two years more nothing was done; but when Innocent IV became pope he, without any delay, at once settled the matter in favour of the monks. On 17th September, 1243, the new pope addressed a letter to William de Raleigh, bishop of Norwich, translating him to the See of Winchester. This document furnishes some particulars of the state in which the action of the legate Otho, prior to his departure from England, had left the matter. It seems that on the ground that the monks, by not electing within the canonical time, had lost their right, which had consequently lapsed to the pope, Gregory IX had proposed to appoint to the vacant See. The pontiff was, however, induced by the legate Otho to permit another election to

[1] Matthew Paris, iv. 159. [2] *Ibid.*, 108.

be held under his presidency, giving Otho, moreover, special powers to confirm the elect in his place. On the day of the election, acting upon the advice of the legate, the monks chose six of their numbers and the archdeacon of Winchester to elect in their names and in their behalf. Upon a scrutiny it was found that four had voted for the bishop of Norwich, and that the minority of three had chosen the bishop-elect of Belley. Upon this the cardinal-legate was unwilling to confirm the choice made by so narrow a majority, and recourse was again had to the Holy See. When the matter came before Pope Innocent IV, shortly after his election to the papacy, one of the two original candidates, Boniface of Belley, had, as already noted, been elected to Canterbury in succession to St. Edmund. The proctors of the monks consequently begged the pope to confirm the election of William de Raleigh; this he did in the letter which recites the above particulars.[1]

As the time approached for the assembling of the Council, to which the aged Pope Gregory had summoned the bishops and prelates, many of them were gathered together at Genoa for the last stage of their journey. The emperor Frederick endeavoured to persuade them to travel thence to Rome under his protection, hoping that he might in this way gain the ear of some of them and get them to voice his grievances against the pope at the meeting. They elected, however, to entrust their safety to some Genoese merchants, who undertook to convey them to their destination.

Amongst these prelates were three cardinals, Otho, who had been legate in England, the legate of France, and the then legate to Genoa; with them were a great number of archbishops, bishops, and others. The emperor con-

[1] *Les Registres d'Innocent IV*, ed. Elie Berger, tome 1er, No. 116.

ceived the bold plan of capturing them, and he forthwith dispatched his son Enzio, with some Pisan galleys, to intercept the vessels upon which they had taken passage. This was done successfully, and having defeated the Genoese ships, Enzio took all the prelates who had not already perished in the sunken ships, to Naples, where he held them in custody. In all, the emperor claimed to have in this way captured more than a hundred prelates with their attendants.

Meanwhile the two collectors, Peter Rosso and de Supino, who had been left behind in England by the legate Otho, were busy at their profession. The former was accounted the chief, and in his citations to the people to bring in money due to the Roman Curia, he signed himself "familiaris et consanguineus" of the lord pope. Pietro de Supino, with the king's authority and by his help, went over to Ireland, taking with him the pope's commission to collect: there, "aided by the secular power," he gathered in large sums from the Irish Church. On his return to London in the autumn of 1241, he was dispatched to Rome carrying in his saddle bags fifteen hundred marks.[1]

Whilst Supino was occupied in Ireland, Rosso was engaged in gathering his harvest of dues in the northern parts of England and in Scotland. In the midst of his labours, messengers from Rome brought tidings of the hopeless condition of the pope and of his expected death. Without delay he hastened to join Supino, and together they crossed over the sea, fearing lest the king might hear of Gregory's illness or death, and try to seize the money they had been so diligently gathering for the Holy See. They had hardly reached France, however, before the emperor sent Henry news as to the pope's condition, and

[1] Matthew Paris, iv. 137.

added as his advice that the English king should seize the persons of the collectors. On finding they had already escaped, Frederick himself dispatched people to track them down and follow them, and ultimately they were captured in Italy, and their money was confiscated by the emperor.[1]

At this time Bishop Grosseteste had a serious quarrel with the king, which he pursued to the end with his characteristic vigour and fearlessness. It appears that the king had applied to the pope to "provide" one of his clerks, John Mansel, with the prebend of Thame, in the cathedral of Lincoln. This request was acceded to, and letters were issued, granting, by the pope's supreme authority, this benefice to Henry's nominee, who was indeed the royal chancellor, and one of the most wealthy ecclesiastics of the time. It is not unimportant to remark that a very large proportion of papal "provisions"—or the appointments to benefices in England made by the pope at this period, and indeed at all times—were granted at the direct request of kings, bishops, and nobles. It was an easy way to reward services done, or to enrich favourites. The same may be said of the licences to hold more than one benefice with the cure of souls attached, which were unfortunately only too common at this period. To put a stop to what was obviously a grave abuse, the General Council of the Lateran had legislated with great strictness on this matter, and had prohibited any clerk from holding a plurality of benefices, requiring a special leave of the Apostolic See for any individual case in which circumstances might seem to make it desirable that the law should be relaxed. It was in practice found, as has already been pointed out in the case of the legate Otho's attempt in England, that when the decrees of the Lateran came to be enforced,

[1] Matthew Paris, iv. 161.

strong protests were uttered by or in behalf of the bishops and of others interested, to prevent what they considered unwise curtailment of their accustomed privileges. It was only with the greatest difficulty and very gradually that the prohibition of the Council was insisted upon. That the popes did reward services to themselves, and to what they considered the interests of the universal Church, by the bestowal of benefices in other countries upon Italians and other foreigners, is as certain as that the practice was a grave and obvious abuse, which no one could do otherwise than condemn. But it has been the custom to write of "papal provisions" as if every act of the pope, in bestowing a benefice upon some individual cleric, was done upon his own initiative, and was an encroachment upon the rights of individuals and nations. It requires, however, only a very slight acquaintance with the papal registers to see that in the majority of cases the request came from this country, and that the pope was only endeavouring to carry out the wishes of those who for some reason or other had a right to urge their petitions upon him. Moreover, just at this period, there may be seen numerous letters from the popes to bishops who had complained of these "provisions" as hurtful to the best interests of their dioceses, allowing them to refuse to institute to any benefice thus bestowed by papal power, unless there was a mention in the letters granting it, that in the appointment this had been specially considered and set aside. In other cases, if the bishop thought proper to refuse to institute, the whole matter had to be raised and the bishop's objections heard upon an appeal of the aggrieved party.

This subject is illustrated in the present case of the Thame prebend. King Henry, wishing to reward John Mansel for services done to him as chancellor, applied to

Pope Gregory IX to bestow upon him the benefice then (at the time of the application) vacant. The pope acceded to the request, as has been said, and Mansel applied to the bishop of Lincoln for institution. Bishop Grosseteste had already filled the vacancy by the appointment of one Simon of London. Moreover, when the king's nominee, John Mansel, produced his letters of "provision," Grosseteste found that there was no special mention of the letter of protection, granted to him on 26th January, 1239, by Pope Gregory IX. By this letter, which was issued as an answer to his complaint that owing to the number of papal provisions which had been made in the Lincoln diocese, the work of the See had been much hampered, he was permitted to refuse to put any one in possession of a benefice unless a special mention of the consideration of this privilege was named.[1]

Grosseteste consequently sent to the king to point out that this letter of protection made the "provision" obtained by the royal agents in Rome of no value. He protested against the idea that any one could force an appointment to a benefice in any diocese without the knowledge and consent of the bishop, even when papal authority was relied upon, "since the lord pope must desire everything to be done in an orderly manner." His messengers added that the bishop was by no means unwilling, on account of the worth of John Mansel himself, and because he would desire to do what the king wished, if possible, to find some other benefice for him; but that he could not consent to this way of acting, and was prepared to issue his excommunication against all invaders of the rights of his diocese should this matter be persisted in by the king and Mansel. Seeing the firm attitude of Grosseteste, John

[1] Brit. Mus. Add. MS., 15,354, f. 184.

Mansel resigned all claim to the prebend in dispute, and the king, fearing that the bishop would keep his word, gave way, and accepted his defeat graciously.[1]

On 22nd August, 1241, Pope Gregory IX died at the age of nearly a hundred years. At the time of his death there were ten cardinals present in Rome, and two more were held as prisoners in Naples by the emperor. At a meeting of the ten then in Rome, it became evident that no agreement on any candidate was possible, and the meeting sent to the emperor to beg that he would release the two cardinals, Otho and James Pecoraria, and allow them to take part in the election of a succesor to Pope Gregory. To this he consented, on condition that when the choice had been made, they should return to their prison. The second meeting of the cardinals, like the first, came to nothing. Two parties in the conclave chose two different cardinals, and for a time no agreement seemed possible. Upon this, Cardinal Otho, acting upon his pledge, returned to his prison in Naples, where the emperor kept him strictly, chiefly because he had excommunicated him whilst legate in England,[2] and had collected money to enable the pope to make war upon him. Later on, the dissensions among the cardinals were sufficiently healed to enable them to unite in electing Geoffrey of Milan, who took the name of Celestine IV. He was, however, a man already weighed down with years, and stricken with infirmities, and so, within seventeen days of his election, he died.

Towards the end of November of this year, 1241, some of the bishops of England met at Oxford to discuss the state of the Church. The archbishop of York presided, and there were present Bishop Grosseteste, Bishop William

[1] Matthew Paris, iv. 152-154.

[2] *Ibid.*, 164; *ibid.*, 170.

de Raleigh, the bishop of Carlisle, and many other prelates, religious and ecclesiastics. The king, suspecting that the assembly might pass some regulations affecting his interests, appointed a procurator to attend the meeting, and by his letters patent he prohibited discussion or legislation upon anything "against his Crown and dignity."[1] The purpose of the meeting, however, was to consult upon the grave state of the Church in being left so long without a supreme pastor, and to urge upon the English people the need of public prayer and penances to implore that the Lord might deign to assist and restore the Roman Church then destitute of pastoral and papal government. Taking as their precedent the fact that in the Acts of the Apostles it is related that when Peter was in prison the Church prayed without ceasing for him, the faithful were urged to unite in public supplications that God would assist those upon whom the choice depended.

The meeting was also unanimous in determining to send to the emperor to beg "with prayers and tears," that for his soul's sake he would put aside all angry feeling or any desire to act the tyrant, and not interfere with the Roman election. They were to remind him that those who had stirred him up to anger were dead, and that it would be unreasonable, and would be looked upon as vindictive, to continue his hostile attitude to the innocent. When it became, however, a question of who should undertake the office of not only going to the emperor, but of trying to stir up among the prelates of France sentiments similar to those animating their English brethren at this juncture, one after another of the prelates excused themselves from so arduous and difficult a labour "for Christ and his Church." Finally, however, on the principle explained by Juvenal in

[1] Wilkins, i. 682.

the line "Cantabit vacuus coram latrone viator," the Dominicans and Franciscans, who were used to travelling, and knew the countries, were deputed to the work. The mission, however, did little good, for upon the messengers conveying the suggestions of the English bishops to the emperor Frederick, he indignantly denied that he had in any way interfered with the papal election, though, he added, that no one need be astonished if he had done so, least of all the English, who had excommunicated him.[1]

The continued vacancy in the papal Chair was soon felt in the relations between France and England. Since the accession of Henry III to the throne, it was mainly, if not entirely, due to the efforts of the popes that peace had been preserved between the two kingdoms. Truce after truce had been made and renewed by the diplomatic dealing of Honorius and Gregory and their agents in the two countries. When the kings of either peoples seemed inclined to cast prudence to the winds, or to disregard the fatherly admonitions of the successor of St. Peter, a judicious threat of compulsion by means of the spiritual sword had the desired effect, and a breach of the peace, which had constantly appeared imminent, was happily averted. Hardly six months had elapsed from the death of Gregory IX, however, before the peace of more than a quarter of a century was seriously threatened. Early in 1242 Henry felt compelled to call a parliament to consider how best to meet certain difficulties which had arisen with the French. It assembled in London on 28th January; but rumours concerning the business having transpired, the nobles and prelates bound themselves not to grant any subsidy to the king for the purpose of attacking France, to which the count de la Marche was urging him. When Henry had

[1] Matthew Paris, iv. 173-174.

laid his design of crossing the sea before them, they refused to sanction a project about which they had never been consulted. Even his attempt to gain their consent to a subsidy by adopting the tactics he had seen succeed when used by the legate Otho, namely, the ruse of taking the nobles individually, failed, and Henry dismissed the assembly. Both nobles and prelates refused even to say what they would do in the event of the French king breaking the truce which had so long bound the two nations to peace. It would be sufficient, they declared, to consider that, when the event occurred. They did not feel disposed to entrust the king with any more money after the great sums they had already given and the large amounts he had obtained through vacant archbishoprics like Canterbury.[1]

Pressing appeals continuing to come from de la Marche, the king determined to cross over into Poitou, trusting that once he had embarked on the war his nobles would rally to his assistance. He left the archbishop of York in charge of the kingdom, and taking ship at Portsmouth on 15th May, 1242, landed at Royan, in Brittany, three days later. On 8th June he sent letters to the bishops and abbots of England to order special prayers for the success of the English arms, as it was obvious that the threatened breach with France could not now be long delayed.[2] The same day he wrote to the archbishop of York to forward knights and soldiers at once to his assistance, and he was to let it be known that if the royal position was to be saved in France, the king must immediately have money. Finally, the king directs the archbishop as guardian of the kingdom, to see that "of the five hundred poor people whom the king had been wont to feed daily,"

[1] Matthew Paris, iv. 181 *seqq.* [2] Rymer i. 245.

his "almoner, Brother John, continue to feed out of the king's alms" the greater part of that number, namely, three hundred and fifty "daily from the ninth of May, when" he embarked at Portsmouth, "to the day he should return prosperously to England."[1]

The war did not last very long. At first Louis IX seemed to have all the fortune on his side, and the English allies were found to be uncertain and treacherous; but by September, 1242, a distressing sickness broke out in the ranks of the French, and the king himself became seriously ill. This induced him, by the advice of his nobles, to ask for a truce for five years, to which, under the circumstances, the English were only too well pleased to agree.

Meanwhile, whilst Henry was in foreign parts, an attempt was made to obtain contributions from the Cistercians towards the expenses of the war. In the time of the legate Otho, by an appeal to Rome, they had successfully resisted his claim to make them liable to taxation, like the rest of the religious and clergy. Now, at the suggestion of the king, the archbishop called a meeting of all the English abbots of the Order, and asked them to help the king. They asked in what they could do so, and the archbishop rejoined, "in a small way." In reply to a further question as to what was meant by "in a small way," he answered, "by giving him as much money as you get for your wool for one year." The request, says the chronicler, was "much like that of one who would say, 'give me your life and take the rest with you,'" as this was their chief support. The request urged by the archbishop in the name of the king was difficult to meet; but the Cistercians fell back upon the fact that they were members of a cosmopolitan Order, and could make no promise without the leave of

[1] Rymer i. 246.

their general Chapter, which could never they feared, sanction money being contributed for the purpose of making war. They, however, promised to help their king in what they considered a better way, by their prayers, and by giving him a share in their good works; and in this attitude they remained firm, although the archbishop showed that he was not best pleased, and told them that the king would hardly hear of their refusal to him in his needs with pleasure.[1] This year, it may be noted, none of the Cistercian abbots were permited to attend the Chapter at Citeaux. Apparently, however, Henry sent his agents to the Chapter, and, unlike the king of France, who required their prayers, he demanded that the authority of general Chapter should be given for the payment by the English houses of the tax he had demanded. This they refused.

The next year, 1243, saw Henry still abroad. The abbot of Evesham, who on the death of Hugh de Patteshull, bishop of Coventry, in 1241, had been elected to succeed him by the canons of Lichfield, died at La Reole in Gascony. He had been for many years the keeper of the king's seal, and had surrendered it only to accompany his royal master abroad. He had not, however, been consecrated bishop owing to the unfortunate dispute between the canons of Lichfield and the monks of Coventry, who had elected some other candidate, a difficulty which had not been settled, owing to the continued vacancy of the papal throne. Neither did the death of one of the candidates bring the quarrel to a conclusion. On learning for certain that the abbot of Evesham was dead, the Coventry monks induced many of the canons of Lichfield to agree upon the election of William de Montpelier, the precentor. The king, however, refused to accept him, being urged to

[1] Matthew Paris, iv. 234.

this course by some of the canons, and so the deadlock continued.

As the year 1243 progressed, the emperor Frederick became impatient at the dissensions of the cardinals, which had so far prevented the election of a successor to Gregory IX. To facilitate matters he released the cardinals, whom he had now for so long held captive; but even this measure did not seem to enable them to come to an agreement on a candidate. Frederick, becoming impatient, ordered his army to lay waste the possessions of the cardinals, attacked Rome, and allowed the Saracens to pillage Albano. At length, upon St. John the Baptist's day, 24th June, 1243, the choice of the electors fell upon Cardinal Sinebald, who was enthroned upon the feast of SS. Peter and Paul as Pope Innocent IV, after the pontifical throne had been vacant for a year and nine months.

In the time of this vacancy a serious difficulty arose between Bishop Grosseteste and the convent of Christ Church, Canterbury, on a matter of jurisdiction. The bishop had had a dispute with the abbey of Bardney, and, after excommunicating the abbot for refusing to appear before the court of his archdeacon, he sent visitors in his name to hold a visitation of the abbey. On the ground that these were seculars, and consequently could not be acquainted with the monastic life, the monks of Bardney refused to admit them. Bishop Grosseteste upon this placed the house under an interdict, and the abbot appealed from this sentence to the prior and convent of Canterbury, which was supposed to possess the power of the metropolitan when the See of Canterbury was vacant, as it then was, and consequently, amongst other powers, that of receiving appeals. Thereupon the bishop declared the abbot deposed from his office, and the convent of Canterbury responded by

solemnly excommunicating the bishop, and serving him with a notice to that effect. Grosseteste was astonished, and not a little angry, and he paid no attention to the sentence, continuing publicly to exercise his episcopal functions.[1]

Here the matter rested for a time, awaiting the election of the new pope, except for a strong protest made by the bishop to the king on the abbot of Bardney being allowed the use of the abbey revenues after he had declared him deposed.[2] Grosseteste's agents were instructed to press the question on the consideration of the pontiff immediately he should be chosen. This they did so well, that within a month of Innocent IV's coronation, he issued his letters directing the prior of Canterbury to remove the sentence of excommunication from the bishop within eight days of the reception of the letters, but without prejudice to any rights they might claim.[3] This was not sufficient for the bishop; he wrote immediately to Cardinal Otho, the former legate in England, to point out how the papal letters, although obliging the monks to remove the sentence uttered against him, were not unnaturally interpreted as a confirmation of their right to act as they had done and of their possession of metropolitical powers when the See of Canterbury was vacant. Against this position Grosseteste energetically protested. He declared that the bishops of the province had never admitted this power in fact, and as a proof against the right of the monks to possess such powers, he pointed to the fact that "when the Chair of Canterbury was vacant, elected suffragans had always been confirmed by the pope." To admit that these bishops ought to have received confirmation from the

[1] Matthew Paris, iv. 245-248. [2] Grosseteste, *Ep.* 308.
[3] *Ibid.*, 258.

monks would be lowering the episcopal dignity, "which in so far was the same as that of the pope, "though the papacy has the position of highest dignity and plenitude of power, from which plenitude the other bishops receive whatever power they have."[1]

[1] Grosseteste, *Ep.* 324-328.

CHAPTER XII

THE FIRST YEARS OF POPE INNOCENT IV

DURING the first few months of his occupying the Chair of St. Peter, Pope Innocent IV did much to clear off the heavy arrears of business which had accumulated during the long interregnum. From some of the early letters of this pontiff, it is clear that, in this country, advantage had been taken of the vacancy to withdraw the payments of the fruits of benefices held by Roman ecclesiastics in England. This is quite what was to be expected; and the pope, in endeavouring to set this matter right and insure punctual payment for the future, speaks in these documents of the contempt with which the agents of the foreign beneficed clergy had been treated in their endeavour to obtain the revenues for the alien ecclesiastics. At the same time, within a few weeks of his election to the papacy, Innocent IV severely condemns the action of papal collectors in demanding fees and excessive presents for themselves. Although legates who are sent from the Holy See ought to be treated honourably, he says, as messengers of the pope, still he does not approve "of the minor officials, and in particular, mere humble messengers," not being content with receiving their necessary expenses, and so bearing themselves rather as thieves and extortioners than as "papal nuncios."[1]

In the midst of more important business in the govern-

[1] *Les Registres d'Innocent IV*, i. No. 43.

ment of the Church, the new pope found time to consider such small matters as the approval of the impropriation of churches to Rievaulx; the bestowal of privileges on St. Augustine's, Canterbury, and on the monks of Winchester, allowing the communities henceforth to say their office with heads covered, except during the reading of the Gospel and the elevation of the most Holy Sacrament, although immemorial custom had been that during Divine Service all heads were uncovered; and the conceding of other similar personal but otherwise unimportant benefits. The first matters of moment to which his attention was turned was the settlement of the two vacant Sees of Canterbury and Winchester. In his letter confirming the election made by the monks to the former See, the pope relates that the proctors of election were amongst those who had been captured by the emperor Frederick in the Genoese ships which were carrying the three cardinals to Rome. They were three of the community, one of whom was the sub-prior. Of these three, one died of the hardships consequent upon the capture and captivity, one returned to England, and the sub-prior alone proceeded to Rome, where he waited with steadfast determination until the election of a successor to Gregory IX. Having considered the facts of the election, Pope Innocent confirms Boniface of Savoy as archbishop of Canterbury, and gives him "full power of administration of the See in both spirituals and temporals."[1]

The same day, 17th September, 1243, the translation of the bishop of Norwich, William de Raleigh, to Winchester, was decreed by the pope, and the usual letters were addressed to the king, to the monks, and to the clergy and people of the diocese announcing the papal decision. This unfortunately did not settle the long-continued dis-

[1] Gervase of Canterbury, ii. 200.

pute. Henry was greatly incensed at de Raleigh for acting as bishop and being accepted as bishop by all save a few of the monks of Winchester, although he had refused his royal consent. He detained the episcopal manors in his hands and placed his own servants in them to prevent the bishop taking possession, and when, after the pope's decision, William de Raleigh came to be enthroned in his cathedral, Henry had the gates of the city shut against him. The head of the opposition was the foreign prior, Andrew, whom the king had intruded upon the monastery; but Henry himself took an active part in trying to prevent the new bishop from taking up the rule of his diocese. He forbade any one in the neighbourhood of Winchester to shelter him, and he wrote to the University of Oxford and to Rome itself, charging de Raleigh with having procured the papal confirmation by unworthy means. After manifesting great patience, the new bishop, on being formally refused entrance to his cathedral city, placed it under an interdict.[1]

Bishop Grosseteste took up the defence of the bishop with vigour. He wrote to the newly appointed archbishop of Canterbury urging that "since the lord pope had admitted and confirmed the postulation" of the bishop of Norwich to Winchester, and had written to the English king in behalf of the bishop, Henry had no ground for opposition. If he persisted, it might be very bad for himself and his kingdom, "since in thus acting he clearly was going against the action of the lord pope," to whom over and above the duty owing by all princes as sons of the Church, he (the king) was specially bound to fealty under the greatest penalties by the Charter and oath of King John, his father of illustrious memory, "which we do not (of

[1] Matthew Paris, iv. 263-266.

course suppose) is unknown to you. As it belongs to you above others to protect ecclesiastical liberty, and to see that the determination of the lord pope is rightly carried out"; he requests him to do all he can to get the king to withdraw his opposition, and even to write to the queen, his niece, to influence her husband.[1]

Besides this, conjointly with the bishops of Worcester and Hereford, the bishop of Lincoln went to Reading to confront the king, and to endeavour to put a stop to the scandal. Henry would not wait for their arrival, and hurried off his messengers to Rome, authorising them to make great promises in his name, and furnishing them with much money, to procure the bishop's deprivation from the Holy See. These proposals, however, were never made, for one of his agents, considering that it would be unjust and scandalous to have any part in such arrangements, returned to England, upon which his companion disappeared with the king's money.[2] Meanwhile, the bishops followed Henry from Reading to Westminster, and there, upbraiding him for his tyranny and injustice, threatened to place his royal chapels under an interdict. The king did not seek to defend his action, but merely pleaded delay until the envoys he had dispatched to Rome could return with some reply. To this they were obliged to agree; the bishop of Winchester being then compelled to seek safety by flight across the seas.

Matters could not long be allowed to remain in this state. On 20th February, 1244, after many previous suggestions by the pope for a settlement had proved useless, Innocent IV addressed a grave letter of remonstrance to Henry. When with the advice of the cardinals he had determined, he says, to translate William de Raleigh from Nor-

[1] Grosseteste, *Epist.*, 271-272. [2] Matthew Paris, iv. 286.

wich to Winchester, he had written to beg that Henry would receive the appointment cordially. "On the contrary," he continues, "as we are grieved to hear, you have been pleased not only to pay no attention to our requests, but what is more grave, you have given expression to words in no way showing fitting modesty or filial reverence. You have asserted that, if you were unwilling, no postulation in the kingdom of England either ought or indeed could be made by the Apostolic See. You have declared that you had the same power in temporals as we had in spirituals (so that) no one, appointed to a See (*postulatus*) without your consent, could obtain possession of his temporalities. Further, you added that you would hold the translation of this bishop (from Norwich to Winchester) as invalid, as if obtained from us by false information. Certainly, beloved son, such expressions as these do not redound to the honour of God, the Church, or your Highness; they are not suggestive of justice nor manifest equity, especially when the received belief of all the faithful is that the Apostolic See by God's providence possesses full power and authority in all Churches, and is not so bound to the will of princes as to be obliged to ask their assent to their elections and postulations." The new pontiff concludes by exhorting the king to return to a better mind, and beseeches him to endeavour to protect the interests of the Church, and not to hinder its work by interfering with the bishops in the full enjoyment of the spirituals and temporals belonging to their Sees.[1] At the same time the pope wrote to the queen, to the archbishop-elect of Canterbury, and to some of the bishops, exhorting them to do their best to bring about a reconciliation between the king and Bishop William de Raleigh. He further ordered the bishops of

[1] Matthew Paris, iv. 347-348.

Worcester and Hereford to send him at once the names of all who had aided the king by their advice or otherwise in this business. This information the bishops at once forwarded to Rome; and the knowledge of this, coupled with the threat of further action with which the papal letter to Henry had ended, brought the king to a more reasonable frame of mind.

In the spring of 1244, the bishop of Winchester, still in exile in France, sent messengers to England. These brought back certain articles as to matters in which the king desired satisfaction before he would consent to receive the bishop to his peace. Most of the points upon which Henry asked for assurance had relation to the interdict of Winchester, and to the protection he could secure for those who had assisted him in his resistance to the papal authority. These Bishop de Raleigh promised to consider favourably when he was allowed to take possession of his See, but refused in any way to pledge himself to any course beforehand. One matter raised by the king, namely, that the bishop, contrary to the custom of the country, and against the rights of the Crown, had not sworn fealty to him on his translation, de Raleigh answered by asserting that this was entirely the king's fault, as he had done his best to obtain leave to take the required oath. The last item of the king's objection related to the arrears, etc., of the episcopal revenues, which Henry had kept all this time in his own hands. He hoped that the bishop would not be too particular in his enquiries as to the past, or too exacting in requiring their repayment; to this, for the sake of peace, the bishop agreed.[1]

Nothing now stood in the way of the bishop of Winchester's return to his diocese. He left France, and having

[1] Matthew Paris, iv. 350-351.

removed the interdict from the city, he entered it and his cathedral church on 29th August, 1244, thus practically ending the long dispute between him and the Crown.

Early in the year 1244 Innocent IV, who found himself on his election in great pecuniary difficulties, sent one of his clerks, named Martin, over into England to obtain money. Though not even a nuncio he was given great powers of suspension and excommunication, which he is said to have used liberally against those who did not come into his views. He forbade various prelates who were unwilling at once to satisfy all his demands, to collate to any benefice in their gift until they should prove themselves more reasonable, and besides the rich presents he expected to receive for himself and his retinue, he fixed thirty marks as the minimum he would accept as a contribution to the papal exchequer. He kept a sharp look-out for vacant benefices suitable for his followers, and on the precentor of Salisbury being elected to the See of Bath, he suggested the appointment to the prebend of the pope's nephew, then a boy, "to the disgust and astonishment of many."[1]

This and numerous instances of such "provisions" at this time caused widespread discontent, and a document setting forth the arguments usually put forward against this attitude of the Roman Curia towards England was drawn up for the king's consideration. It pointed out that from the earliest foundation of the Church in England by King Ethelbert, the endowments of cathedrals and monasteries were intended for the support of religion and for the relief of the poor. These ends were gravely compromised by the various exactions now made upon ecclesiastics, and what was worse for the country at the time was, that the money so taken from England went to aid the

[1] Matthew Paris, iv. 385.

pope against the emperor, "who by the will, order, and advice" of the Church, had married the king's own sister.[1]

The action of the papal clerk, Martin, met with serious opposition. In some cases his messengers were ill-treated when they were sent to induct his nominees into livings, or take possession of them in their behalf. In one such case, that of the vicarage of Pinchbeck, in the Lincoln diocese, Martin consulted Grosseteste as to how he should deal with the offenders. The bishop gave a cautious reply, in which he said that knowing the holiness of the pope, he was bound to assume that he would pay full regard to the care of souls, and would not be unreasonable. If, then, the nuncio's commands were reasonable and did not need excuse, and they were not obeyed, it would be best to try and reason the disobedient into compliance, and only after that to proceed to extreme measures. This being the general advice, in the particular instance where the messengers of the papal clerk had been seized and ill-treated, the bishop advises that they should be excommunicated, and that as the benefice belonged to Spalding priory, the papal clerk should summon the prior and question him. He would, however, beg the nuncio to understand that the vicar had many souls to deal with, and that it was absolutely requisite that there should be a resident priest.[2]

King Henry at this same time addressed Pope Innocent IV on the subject of papal "provisions," as he had previously done Gregory IX. At all times of his reign, he said, he and his kingdom had ever been prompt in obeying papal commands and wishes. He had experienced the pope's paternal care on many occasions, but in the case of "certain provisions, made in favour of clerks foreign as well as English, we and our kingdom consider that we are

[1] Matthew Paris, iv. 312-313. [2] Grosseteste, *Epist.*, 315.

much burdened and oppressed." He consequently begs that the pope will desist from the practice, and will protect the rights of the English Church, remembering that the benefices in question belong to England, not to foreign countries.[1]

The archbishop-elect of Canterbury, Boniface of Savoy, reached England early in 1244.[2] Very shortly afterwards the king summoned the barons and prelates to meet him in the refectory at Westminster, where personally he asked from them a subsidy. The assembly required time for consideration, and a small number of nobles and bishops were chosen to answer the king, to the effect that only if he would keep more strictly to the terms of his Charter would they grant what he required. Henry was unwilling to give way, and after an adjournment for some weeks, he kept them in constant session, hoping by this to weary them into concession. Meanwhile his agents had procured letters from Pope Innocent IV, dated from Genoa on 29th July, 1244, urging the clergy to help the king as he desired. "Above all other kings of the earth," he says, "we embrace our beloved son the illustrious king of England with arms of special affection. He, as a Catholic and devoted prince, has ever studied to venerate the Roman Church, his mother, with filial obedience," etc. Consequently, when he asked us to urge you to be liberal to him in his necessities, "we beseech, advise, and earnestly exhort all of you, ordering you also by these Apostolic letters," willingly to grant him a "proper subsidy from your revenues."[3]

After six days the meeting came to an end; the king, although, as the chronicler expresses it, urging his neces-

[1] Matthew Paris, iv. 315. [2] Gervase of Canterbury, ii. 201.
[3] Matthew Paris, iv. 364.

sities upon the assembly, "till night-fall," did not succeed in obtaining what he wanted. The prelates were required to meet on the day after the dissolution of the General Council, and the king's officials pressed them to obey the pope's request, even if they refused to consider that of the king. They asked to see a copy of the papal letter that they might consider its tenor, whereupon the king himself entered the place of meeting and again and again besought them to help him. But they refusing to give an immediate answer, and demanding time for consideration, Henry was obliged to leave them in some confusion. On the proposition of Bishop Grosseteste they finally came to the conclusion to stand together with the laity in their reply to the king.

Before the council at London broke up, the papal collector Martin appeared on the scene to claim help from the clergy for the pope. He was so constantly producing new papal documents that many considered, says Matthew Paris, that he had brought blank forms already sealed and signed by Innocent IV to be filled in as circumstances might require.[1] This time he wished to secure a pledge from the clergy that they would pay ten thousand marks, as quickly as possible, as an aid to the papal exchequer. He produced two documents from the pope, one addressed to the episcopate, the other to the abbots of England, and dated on 7th January, 1244. The pope, "knowing the sincerity of their affections as often as necessity afflicts their mother the Apostolic See," turns, he says, to them naturally, "as to beloved and devoted sons." The collections made by Gregory IX in England and other Christian countries, to help to pay the expenses he had incurred in his defence of the liberty and the patrimony of the Church,

[1] Matthew Paris, iv. 368.

have not been sufficient to free the Roman Church from debt. Innocent IV consequently urges all to come to his assistance, by contributing whatsoever "our beloved son Martin shall consider proper to ask of you on our behalf, and by paying it to him or his agents by the date he shall fix." He concludes by hoping they will show their devotion to him by making no difficulty, and not "compel him to proceed in some other way to obtain" what is necessary.[1]

When this letter had been considered by the bishops and abbots, they refused to give any reply until they had been able to consult together. "We are in a difficult situation," they said; "the lord king, our patron and the founder and restorer of many churches, is without money. He asks our help to protect and defend the kingdom, that is, the State, and the lord pope urgently demands that we should do this for the king. In this there is a request, doubly valid and doubly efficacious. But now we have here a second and unexpected papal demand. The first, consequently, which is double, is of greater weight and the more worthy of our favour, for we may look for some return for our liberality to the king, but not from the pope. On the one side we are attacked, on the other oppressed; here we are grasped by force, there we are constrained we are beaten as between a hammer and an anvil, and ground as between two mill stones."[2]

Whilst this new and difficult situation was still in debate, a messenger arrived from the emperor Frederick with letters to be read at the council. These were listened to, in spite of the protests of Martin the papal clerk. In them the emperor defended himself for his attitude to Pope Innocent IV, declared that he had no wish or intention not to be at peace with the Church, and asserted

[1] Matthew Paris, iv. 369-380. [2] *Ibid.*, 371.

that the pope desired to get possession of cities and villages which clearly did not belong to the Church. He ended by begging that the English would not act in a way hostile to him, by contributing to the papal treasury, and he even urged the English king not to contribute the annual tribute which Innocent III had exacted from the English Crown.

When the adjourned meeting came together again and the application of the king was renewed, first Henry in person and then his officials solemnly promised to guard all the liberties he had promised in his coronation oath. As a guarantee he asked that each bishop in his diocese should publish a sentence of excommunication against him or any other who might in any way infringe these liberties. Upon this, all, both ecclesiastics as well as lay people, promised an aid of twenty shillings for the marriage of his eldest daughter.

The papal clerk, Martin, was not altogether pleased when he heard that the king's requests had been complied with, foreseeing that this might make the papal business somewhat more difficult. Having called together the prelates, he tried by fair words to induce them to do as he had asked. "Brethren and most beloved sons of the Roman Church," he said, "on you rests every hope of the papacy. What reply are you going to give to your spiritual father on the affairs of your mother, the Roman Church, so oppressed, as you have been informed by the papal letter? You have obediently submitted to the wishes of your temporal master, the lord king; let it not be said that you have not also stretched forth a saving hand to your spiritual father, the lord pope, who trusts you, and who is fighting the cause of the universal Church against rebels." The dean of St. Paul's replied, in behalf of the assembled

clergy, that, as the contribution demanded by the pope and the proposed tax on all benefices affected the king and other founders, they could not give him any promise without their permission. Upon this, John Mansel, on behalf of the sovereign, strictly prohibited the clergy from making any charge upon the temporalities they held of him for the Holy See. As nothing was to be got from the assembly, Martin, the papal clerk, summoned another; but at this again the prelates refused to comply with his demands. England was poor, they said, and many churches and monasteries were already overburdened with debt. Further, when the last contribution was made at the demand of the legate to free the Roman Church from debt, the money had not been used for that purpose. Then to give a second time would be to create a precedent, which they had no wish to do. And generally they replied, that as a General Council was soon to be held, it would be for the universal body of the faithful to see that "their mother, the Roman Church," was freed from the burden of debts. This was their final answer to the demands, and, in spite of the threats of the disappointed collector, they returned to their homes.[1] Martin, however, contrived to make many and heavy demands upon individual prelates and monasteries, chiefly for his own expenses.

At this time Alexander II of Scotland renewed the terms of peace he had previously made with King Henry in the presence of the legate Otho. The fresh treaty was necessitated by the contemplated marriage of the Scotch king's son with Henry's eldest daughter.[2] The charter was forwarded to Pope Innocent IV for his confirmation, and, as in the case of the previous treaty, Alexander II declares that he and his heirs are subject to the papal

[1] Matthew Paris, iv. 372-376. [2] Rymer, i. 257.

jurisdiction, so that the pope may oblige them to keep its terms "by an ecclesiastical censure." In this case he "begs your Paternity to order some suffragan of the province of Canterbury to compel" him to observe the promises now made.[1]

In the spring of this year, 1244, the papal confirmation was asked for, and accorded to several matters of some importance. In the January, King Henry had entered into a treaty with the count of Provence, by which he agreed to lend him four thousand marks and to take over five of his castles as security for the loan.[2] Henry forthwith applied to Pope Innocent to confirm this treaty "by Apostolic authority," which he did on 25th April.[3] On the same occasion the pope issued his "Apostolic letters" to confirm, at the request of the English king, the dower he had settled upon his queen,[4] and he directed the archbishop of Canterbury and the bishop of London not to allow any one to call in question what he had thus confirmed. A few days later, on 30th April, the pope, "at the humble request of" the English king, confirmed the will which he had made; and, strengthening it by his Apostolic authority, forbade any one to call in question its terms.[5]

At the close of the summer the pope fled from Italy to Lyons, having successfully evaded the Imperial guards, which had been set at many points of the journey to prevent him. Whilst on his way from Rome the pope was met at Genoa by envoys from David, prince of Wales, who offered to surrender his country to the pope; he and his heirs henceforth to hold it from him, on an annual payment to the Holy See. In return, he obtained letters to bar the English king's further action in the quarrel be-

[1] Matthew Paris, iv. 384. [2] Rymer, i. 254.
[3] *Reg. d'Innocent IV*, i. No. 368. [4] *Ibid.*, No. 639. [5] *Ibid.*, No. 644.

tween Wales and England. The letters of protection were directed to the abbots of Aberconway and Cumhyre, and they were ordered to consider whether the original oaths, etc., made by the prince of Wales to the English king, were not extorted by force, and if so, were not in fact void. They were also to inquire into the truth of the matter, and, if they found this was so, they were to absolve the prince. On receipt of this communication, the two abbot-commissioners summoned the king to appear before him. This naturally Henry refused to do, and the pope did not further insist[1] on this matter.

About this same time the canons of Chichester elected Robert Passelew, the treasurer, to the vacant See, regarding him as a prudent and fitting person, and thereby hoping to secure the good-will of the king and to obtain a useful and good bishop. On presenting him for confirmation, however, many objections were raised against him. The elect of Canterbury and his suffragans examined him, by Grosseteste, the bishop of Lincoln, who asked, what the chronicler characterises as, "altogether too difficult questions in theology." In the result they rejected him, and declaring the election void, at once, and without awaiting even the royal assent, appointed one Richard de Wiz in his place. The whole matter was complicated by the papal clerk, Martin, who forthwith took possession of the benefices, previously held by de Wiz; upon which the king declared that any bishop elected for the future, without his consent being asked, should not receive the barony attached to the See.[2]

In the November of this year, 1244, Bishop Grosseteste left England to visit the pope at Lyons. His principal object was to endeavour to bring to a conclusion the long

[1] Matthew Paris, iv. 399. [2] *Ibid.*, iv. 402.

dispute which he had had with the dean and canons of his Chapter. From Lyons he wrote to express his great gratification at the way he had been received by the pope and the cardinals.[1] He was accompanied on his journey by his great friend and constant adviser the Franciscan, Adam Marsh, who gives the same account of the bishop's reception on 7th January, 1245. The pope promised Grosseteste that he would attend to his business immediately, and the sanguine Friar Adam Marsh hoped that the decision about the Chapter rights would be obtained "very shortly." However, as the pope desired Bishop Grosseteste to be present at the Council in June, he and his companion had been ordered to remain at Lyons for that meeting; consequently Friar Adam asks that some books may be sent on to him; the *Morals of St. Gregory*, which had been left at Reading, and Rabanus *de Natura Rerum*, which Friar Thomas of York had in his keeping.[2] Very shortly after Grosseteste's departure from England he was followed to Lyons by the archbishop-elect of Canterbury and the bishops of Worcester and Hereford, and these four bishops remained for the celebration of the Council of Lyons, which Innocent IV summoned to meet on the feast of St. John the Baptist, 24th June of this year, 1245.[3]

It had been suggested at this time to King Henry by some of the cardinals that he should ask the pope to pay a visit to England. "It would be a great honour and immortal glory," they wrote, "if the lord pope, who is the father of fathers, should personally visit your country, which no pope has ever done. We remember, indeed, that he himself said, and we were very glad to hear it, that he would rejoice to see the delights of Westminster and the riches

[1] Grosseteste, *Epist.*, 333. [2] *Mon. Franciscana*, i. 376.
[3] Matthew Paris, iv. 410.

of London." The king at first appeared to welcome the suggestion, but there were others who looked upon the proposal with suspicion, especially when they reflected that in his train would come the Florentine money lenders and usurers, and the crowd of Italians and Romans, who would certainly expect to grow rich upon the spoils of the English Church. And so the proposal was allowed to drop.[1]

Meanwhile a few only of the English prelates journeyed to Lyons to the Council. The king sent his clerk, Laurence of St. Martin, to be his proctor, not only in the meeting of the Council, but to represent several other matters on which he wished for the direction and guidance of the papal Curia. One of these related to the election of Robert Passelew to the See of Chichester, which Boniface, the elect of Canterbury, had quashed in spite of the king's protests. Laurence of St. Martin reached Lyons a month before the date of the Council; for, on 20th May, Innocent IV wrote to the king to say that he accepted the excuses made for the non-appearance of certain bishops and abbots; but requiring the presence of the archbishop of York. At the suggestion of Laurence of St. Martin, the pope also confirmed to the king all rights in the presentation to churches, etc., which he claimed as belonging to his royal dignity, and the following day he reversed his policy in regard to David of Wales, at the suggestion of the king's envoy. He had found out from him, he says, that "from time immemorial" the prince of that country had been a vassal of the English king, and that he had been induced to act as he had done in the matter on the representation of Prince David that he had only been compelled by fear to swear allegiance to King Henry. He conse-

[1] Matthew Paris, iv. 410.

quently recalls his previous letters taking the prince under his protection.[1]

On the eve of the opening of the Council a fire occurred in the papal apartments at Lyons, in which many documents perished. Amongst others of importance, it is said that the Great Charter of King John, by which he undertook to pay the annual tribute to the pope for the kingdom of England, was wholly destroyed. In preparation for the work of the Council, Henry had caused agents in the various counties of England to make inquiries as to the entire amount of yearly revenue which Romans and Italians had at that time in their hands. To the king's astonishment the total came to some sixty thousand marks —more than the annual revenue of the Crown at that time.[2] Henry determined to make representations to the Curia about these manifest exactions. A letter was consequently composed, protesting, on behalf of the nation, against the tribute of King John, and against the extraordinary powers that had been given to papal collectors and their extravagant demands upon the English. This letter was dispatched to Lyons by certain nobles and others to be discussed in the Council.

Rumours of difficulties and discontent had already reached the ears of the pope. On 10th April, 1245, consequently, he sent a letter, partly of expostulation, partly of explanation to the king. "The Apostolic See, your mother, loving your person above other Catholic kings and Christian princes," only desires to preserve inviolate all those rights and privileges upon which the greatness and safety of a kingdom depends. For this reason it is only proper "that you as a son, blessed in the Lord, should have a filial reverence for the Roman Church, and

[1] Rymer, i. 255.

[2] Matthew Paris, iv. 419.

show yourself favourable and kind to it, in carrying out its desires." But it has been lately told us that "your Majesty at the suggestion of some, and in particular the nobles of your kingdom, has prohibited Martin, our nuncio, from proceeding to make certain provisions in your kingdom by our authority, until we should write to you as to our pleasure." Further, you have directed him to remove certain sentences of excommunication and suspension, which by our authority he had issued in regard to these provisions against religious and others. Though willing to do what the king desired, as far as possible, the pope declares that he feels bound to do something for those who have helped him in his difficulties, and he begs that the king will not stand in the way of his recompensing their faithful services with benefices. He asks him, however, to understand that he does not intend to present to any benefices to which lay people have the right of presentation.[1]

Meanwhile, within a few days after the assembly of the fathers at Lyons, the nobles in England determined to get rid of the papal clerk from England, as his presence was causing great discontent. On 30th June, 1245, they sent to warn him to leave the country within three days. Martin appealed to the king, who professed not to be able to restrain the angry nobles, and advised him to depart as they had ordered him. The papal agent had no choice; and in his fright fled under the care of one of the king's officers to Dover, where he embarked on 15th July, 1245, and coming to the pope at Lyons, stirred the papal anger at the recital of the way he had been compelled to retire from England.

On 15th January, shortly after his arrival at Lyons,

[1] Rymer, i. 256.

Innocent IV had consecrated Boniface the archbishop, who had now for more than two years been merely elect of Canterbury.[1] About the same time the bishops of Chichester and Lichfield also received the episcopal consecration, in spite of the protestations of the proctor of the English king. He was told that for such promotion "the royal assent was not required," that it was merely a privilege the king had been allowed, and one which could be ignored, unless it was used properly. When this reached the ears of Henry, he directed the property of the two dioceses to be confiscated. Innocent addressed a letter to the king explaining his attitude in regard to the appointment to Chichester. Henry had complained that Passelew had been rejected by the archbishop, and that another bishop had been appointed by the archiepiscopal authority without either election or royal assent. The pope declares that, upon examination, he approves of the action of the archbishop-elect in quashing the choice of Passelew: but that whilst approving of the choice made by the elect of Canterbury and confirming it, declares that he does not do so because the archbishop has any powers to "provide" for a See in this way, but "by the plenitude of his Apostolic powers." For this reason the fact that he has appointed the same individual that Archbishop Boniface had chosen is not to be considered any prejudice to Henry's royal rights.[2]

[1] Gervase of Cant., ii. 202.

[2] Rymer, i. 261.

CHAPTER XIII

THE ENGLISH AT THE COUNCIL OF LYONS

On 2nd December, 1244, Innocent IV arrived at Lyons. He had apparently already determined to convoke a Council to discuss the action of the emperor Frederick in his regard, and to give its general sanction to the extreme ecclesiastical measures it was proposed to take against him. On 22nd December, the feast of St. John, therefore, the pope having said mass in the cathedral, ascended the pulpit and publicly announced the convocation of the Council for the 24th of June following. A week later, some of the letters summoning the prelates were already on their way. Some at least of the pontifical letters, besides directing that the assembly of a general Council should be made known to the faithful, order that the papal excommunication of the emperor should be proclaimed. That this latter command was not always popular, or obeyed with a good grace, appears from a story of a French priest, which Matthew Paris relates. This cleric, feeling bound to carry out the mandate, did so in the following manner: "Listen all of you. I have been ordered to publish a solemn sentence of excommunication against the emperor Frederick, with bell and candle. I do not know why, but there has been a grave quarrel and lasting hatred between them. I know, too, that one has injured the other; which, I do not know. But, as far as my powers go, I excommunicate, and declare excommunicated, one of them; that is, he that has

done the injury, whichever it is, and I absolve the other who has suffered the wrong, for the matter is most hurtful to the whole of Christendom."[1]

Authorities differ as to the number of bishops attending the Council. The partisans of Frederick II desired to maintain that it was by no means an assembly representative of the whole even of western Christendom. They declared that it was for the most part a reunion of French and transalpine bishops, and the numbers vary from 362 archbishops, bishops and other prelates, as stated in the chronicle of Mantua,[2] to 144, the number given by Matthew Paris as having been present at the first session on 26th June, 1245.

The number of English dignitaries was certainly small. They had been summoned *en masse*, and the records show that the archbishop of Canterbury, with the bishops of Lincoln and Worcester, represented the English hierarchy, and the archbishops of Armagh and St. Andrews, those of Ireland and Scotland. The dean of Lincoln was amongst the lesser dignitaries, and during the sitting of the Council he was consecrated bishop of Coventry and Lichfield by the pope. For one reason or another, many English bishops and abbots excused themselves. The king said that he could not spare the bishop of Carlisle nor the abbot of Westminster, as he intended to leave to them the custody of the kingdom during his absence abroad. The bishop of Ely and the abbot of St. Alban's pleaded sickness; the bishop of Llandaff, poverty; the abbot of Edmundsbury was laid up with the gout; and the abbot of Waltham was too old and infirm to travel. Pope Innocent seems to have accepted the excuses readily enough, except in the case of

[1] Matthew Paris, iv. 407.
[2] Elie Berger, *Saint Louis et Innocent IV*, 121.

the archbishop of York, who was told to make an effort to be present, because the dignity of his archiepiscopal office made it proper that he should appear.

The king of France sent his ambassadors to the Council, and Henry III was represented by Roger Bigod and the earl of Norfolk, with William de Powick as their "orator," or official spokesman. The king thought it necessary to warn all prelates and others going to the Council, to watch over the interests of England during the proceedings. He reminded them of their oath of fealty, and prohibited them from permitting, or allowing others to permit or to promise, anything prejudicial to the interests of the kingdom, or that could compromise any rights possessed by the Crown from inheritance or custom. Should they do so, he threatens to confiscate the temporalities annexed to their offices.[1]

One of the first acts of the assembled fathers was to ask for the canonisation of St. Edmund, the late archbishop of Canterbury. The petition for this was made by eight archbishops and more than twenty bishops, and they urgently desired that he should be declared a Saint at once, and that the feast of his canonisation should be held during the sessions of the Council. The pope, however, deprecated haste, but promised to consider the matter at the earliest moment. The chief business before the Council so far as the pope was concerned, was the consideration of the great quarrel between himself and the emperor. Innocent IV brought many charges against Frederick, which were discussed fully, and by none more carefully answered than by the proctor, who was there in behalf of the emperor himself.

English interests were represented, and the complaints of the English nation were voiced on Monday, 17th July,

[1] Rymer, i 260.

1245, by the proctors, who had come to present the letter already referred to as drawn up by the nobles of England. The chief spokesman of the English was one Master William de Powick. His intervention was called for early in the meeting, by the request of the pope that all present should sign a statement or declaration of the privileges which had been granted to the Holy See at various times by kings and princes.[1] In objecting to this, de Powick first complained in behalf of the English nation of the existence of the annual tribute of a thousand marks promised to the Holy See by King John. This payment he characterised as "injurious" to the kingdom. "It had never," he said, "been agreed to, either by the fathers of the present nobles, or by them, nor would they consent to pay the tribute in the future." To this declaration the pope made no reply, and after a pause, de Powick proceeded to read the letter sent by the English people generally, complaining of the constant demands and exactions of the Roman officials in England. "We love and esteem our mother, the Roman Church, with all our hearts," it said, "as our duty is, and with all affection possible we desire to increase and extend its honour. . . . To it we turn for solace in our troubles, so that any crushing sorrow of her sons may be soothed by a mother's care—that mother indeed cannot but remember the gratitude which the realm of England has shown her from ages long past." It has given her a fitting and sufficient assistance to exalt her position and to maintain it. By this, indeed, a bond of affection has been firmly established between that Church and the said kingdom. In process of time, this subsidy became known as "Saint Peter's penny." But the (Roman) Church, not content with a subsidy of this kind, now by legates, now by nuncios

[1] Labbe, *Concilia*, tom. xiv. col. 44.

without number, has sought to obtain help of various kinds from the said kingdom. This assistance was ever liberally and freely granted to her by her children, as sons devoted to their mother, and ready to embrace her with loving arms.

"We (English) do not believe that your Paternity is ignorant that our predecessors, like true Catholics, loving and fearing their Creator and wishful to save their own souls, and help in the salvation of those of their forefathers and descendants, founded monasteries and enriched them with property, with lands and with the patronage of churches. It is consequently intolerable to us to see the said religious at times deprived of this patronage and collation to their churches."

The document then goes on to say that in this matter the popes have not shown consideration. On the contrary they have bestowed many of these churches upon Italians, who in immense numbers have obtained appointments to English benefices. Foreigners, thus appointed, have claimed to be the rectors of the parishes, and have ignored the rights of the religious patrons. They have, moreover, lived away altogether from their cures, or in such a way that "they know not their sheep and their sheep know not them." They have not dispensed alms, "as is ordered in the Church," but have carried off the fruits of their benefices over the sea. And in order that the full truth may be known at the present, it must be stated that Italians are receiving more than sixty thousand marks yearly from English benefices—a sum greater than the annual revenue the king, "who is the guardian of the Church," has to spend on the government of his kingdom.

The writers of the English petition then speak specially of the way the papal clerk, Martin, had acted since he came into the kingdom. He claimed, they say, to have more

ample powers than any legate had ever exercised. He had been occupied in giving away benefices, reserving the next presentation of others to the Holy See, extorting immoderate pensions from religious houses, and distributing broadcast his sentences of excommunication and interdict. They could not, they declared, believe for a moment, that the pope knew what his agent was doing in his name. That he should have been allowed to come at all, with such powers, is distinctly against the Apostolic privilege granted to the kings of England, namely, that without their consent and request no one should exercise the office of legate in the country. They consequently beg the pope to find some means to put a stop to the oppression under which they were then suffering. The king "who is a Catholic prince," they say in conclusion, bearing the yoke of divine obedience, "and not considering his own self," as part of his obedience to Jesus Christ, reverences the Apostolic See and the Roman Church. And as its most loving son he desires to see it grow and to witness the increase of its power and its honour, "as far as is consistent with the preservation of his kingdom and royal dignity." With confidence, then, they look to the pope, to put a stop to "the oppressions" and "grievances," which now are "intolerable to us, which we cannot continue to bear with equanimity, and which by God's grace we do not intend to bear any longer." [1]

When this document had been read in the full Council in behalf of the English nation by William de Powick, the pope asked for time to consider so serious a matter. He promised to make some reply to the various complaints later, and also to consider another point raised against the abuse of the clause *non obstante* in papal letters. Many

[1] Matthew Paris, iv. 441-444.

grants of benefices and privileges had issued from the Roman Chancery, which were to hold good "in spite of previous" letters to the contrary. As many letters of protection had been given to individuals, which exempted them from obeying any future papal letter, unless express mention was made of that specific privilege, and of the intention of the pope to act against its tenor, difficulties and disputes constantly arose from the introduction of the mere general formula *non obstante*. This difficulty was of course not new in the days of Pope Innocent IV., but "provisions" to livings, exemptions from general burdens, and what was perhaps objected to more strongly than anything else, reservations of benefices, the occupants of which were still living, assumed greater proportions in this pontificate both in France and in England. At the same time, the multiplication of dispensations for plurality of livings aggravated the existing feeling against the papal officials, and this prompted the strong remonstrance presented to the pope in the Council of Lyons.

The complaints thus voiced by the English in 1245 found an echo two years later in similar French grievances which were brought to the pope's notice by St. Louis.[1] The gravamina of the French nation were presented to Innocent IV, on 2nd May, 1247, by an embassy sent to Lyons by the king for the purpose of urging the pope to put some stop to abuses, which were giving cause for grave dissatisfaction. An injury done to the Church was an injury done to the State; and for this reason, the French king declared that he felt bound to ask that his complaints should be attended to at once. He had long held his tongue,

[1] Matthew Paris (*Additamenta*, 131-133) prints this document as having been drawn up and presented at the Council of Lyons. M. Elie Berger, *Saint Louis et Innocent IV*, 268 *note*, shows that the real date is 1247.

for fear that he might scandalise others, who had not the good of the Church at heart, as he was known to have, since everyone recognised him as the "most Christian prince and a devoted son of the Church." Since, however, these grievances, so far from diminishing, seemed rather to increase, he felt that he ought no longer to keep silence. He consequently sent his representatives to the Holy Father in order to call his serious personal attention to them. The French people, he declared, were all agreed on the matter; and not only were the nobles and others astonished that he, as king, had endured the matter so long; but it was abundantly clear that the nation as a whole was fast losing "that devotion, which it had been wont to have for the Roman Church." In fact, he might say that "already it was well-nigh extinct, and not merely extinct, but turned into real hatred and rancour."

This state of things was obviously sufficiently serious. But when the extent to which people were scandalised was considered, and when what they both thought and said on the matter was taken into account, there was great fear that matters would not stop there. "What," asks the king, "is likely to happen in other countries, if in the kingdom of the Franks, where men have been always most devoted (sons of Holy Church), at heart have already become almost schismatics?" The laity are kept to their obedience to the Church merely by the power of the Crown. "And as for the clergy," Saint Louis says, "God knows, and indeed men know, with what bitter feelings they bear their yoke."

The document then proceeds to analyse the causes of this discontent. The first cause the king considers to be the subsidy, which the Roman Church has of late constantly demanded from the French in any necessity. Until lately it had never been heard of, and no tribute from the

temporalities of the Church was ever contemplated by the canon law. It was, moreover, without precedent in history that authority should say, "give me so much or I will excommunicate you." Never have the "high priests and successors of the apostles, the fathers of the apostolic order, the sacred bishops and other ecclesiastical ministers been taxed" in the way they have been of late by your nuncios. They have, in truth, been treated "like slaves and Jews." In fact, for purposes of taxation, a list of the clergy with the amount of their possessions was made by Cardinal Giacomo Pecorari, bishop of Palestrina, when he came as legate into France, and under the name of "procurations," took tithe of all the Church property. This official of the Curia also had scattered abroad threatened excommunications, in the event of bishops, abbots, or other ecclesiastical persons neglecting to pay what he pleased to demand of them, for what he stated to be papal purposes.

Again, churches were constantly and continually burdened, beyond what anyone would believe, by papal emissaries. Though these nuncios were often men who might be supposed not likely to prove a burden to the places they stayed at—such as Friars Minor and others of this kind—still, as a fact, those bound to the practice of poverty were as bad as any others. Another grievance, about which the French king thought it right to complain, was the bestowal of numerous benefices and prebends by papal authority upon strangers; which, he declared, had never been done until recent times. Even benefices which were not vacant had now frequently been given away in anticipation of the vacancy, whilst, at the same time, it was still held to be distinctly against the laws of the Church to promise the next presentation of any living. It was not an edifying spectacle to anyone, at least so thought

the French monarch, that "canons, whilst alive, should daily see people waiting for their deaths, like crows watching for their prey." Until the time of Pope Innocent III, moreover, no pope had ever claimed, or at any rate exercised, the power of giving away the benefices of the Church at will. That pope, indeed, bestowed many livings at his pleasure, and so did both Pope Honorius and Pope Gregory; but, continues this protest of St. Louis, "all your predecessors put together—at least so it is publicly said—have not given away so many benefices as you alone have done, in the short time you have ruled the Church."

Moreover St. Louis declares it to be certain, that by the appointment of foreigners, the real work of the Church was not properly carried out. Such pastors did not as a rule reside in the cures given them, and, even if they did, being ignorant of the language of their flocks they could not serve them. Their people knew them, only or mainly, by the money they took away from the locality and kingdom. Those who had bestowed the temporalities upon the various churches had done so to benefit the people, and especially the poor, and not for the purpose of enriching strangers. You may be certain, the king continues, "that by such donations the Roman Church and you yourself only reap scandal and dislike, and such things draw off from you the devotion of your subjects."

In conclusion this French memorandum declined to discuss the abstract question, whether the popes really possessed the rights they claimed of disposing of benefices and taking the temporalities of the Church in foreign countries. It was sufficient for the purpose of St. Louis that it should be pointed out that, in practice, no such claims had ever been advanced in previous ages, and that the then action of the authorities, in pushing such claims,

was causing wide-spread discontent. "For these reasons, then, and others which we are unwilling to set down, the lord king affectionately begs you, as his most beloved Father in Christ, and for the honour of God, for your own honour, and for that of the Roman Church, earnestly requests, if you would remove scandal from the hearts of many and retain the devotion of the French Church and kingdom, that you put an end to these grievances, and cancel what has been done lately, since a great many people have on this account been excommunicated and suspended"[1] by your officials.

The attitude towards provisions and other papal exactions, manifested both in France and in England, was perfectly consistent with absolute loyalty to the pope as sole head of the Universal Church. It was also in fact not inconsistent with a full admission of the theoretic rights of the popes to act as they were doing in regard to ecclesiastical revenues. At the moment it was the practical question of the possibility of such taxation that disturbed the rulers of the two kingdoms. No suspicion of any disloyalty, still less of any open teaching contrary to the full acceptance of the supremacy of the Roman Pontiff, is to be found in the letters and tracts of the period. On the other hand the Catholic position is assumed, and even constantly stated, as if no other view or teaching was possible or tenable.

[1] Matth. Paris, *Additamenta*, 99-112. This document is only known in the collection of Matthew Paris, but it is accepted by M. Berger (*St. Louis et Innocent IV*, 270, *seqq.*), and also by M. Ch. Langlois (*Lavisse Hist. de France III*, ii. 65) as genuine. On 2nd May, 1247, a previous memorial of the grievances of the French clergy had apparently been presented to the pope by the bishops of Soissons and Troyes, the archdeacon of Tours, and the provost of Rouen. The reply of Innocent IV was vague, and it would seem that Saint Louis, not being satisfied with it, addressed the above second remonstrance to him.

Some of the statements are abundantly clear; and the letter or tract written about this time, at the pope's request, by Adam Marsh, the friend of Bishop Grosseteste, is perhaps the best exposition of the then belief of the western world as to the position of the papacy in the Christian dispensation. His first chapter, or division, is intended to prove that "by divine institution there is only one supreme pontiff, who presides over all nations of the world."[1] He argues from analogy that a head or chief is necessary. Applying to the "high priests, the successors of the apostles," the words of the psalmist, *Nimis confortatus est principatus eorum*, he says, "Thou, O Holy Father, hast succeeded them in the inheritance. You are their heir, and the world your inheritance."[2] The pope, like St. Peter, he declares, has received the whole world to govern; the rest of the bishops have charge of one ship or Church.[3] To the pope is committed the care of the visible Church throughout the whole world, as being the "one Vicar of Christ," since the divine purpose was to bring all into one fold, and to make "one fold and one shepherd." Of all parts and countries of the world, none is bound more securely by every tie of gratitude to the pope than England; and none is more loyal to him. "Above all other countries it acknowledges itself as subject to your holy government." It possesses all the strength of the Catholic faith; it has devotion to the Apostolic See, and prides itself on the promptitude of its obedience.[4] Then, after speaking of the design of Henry III to recover the Holy Land by his sword, Friar Marsh adds, "Shall we therefore assert that the spiritual sword only is to be wielded by the ecclesiastic, and that he has nothing to do with the material sword? Most certainly not: he has the use of

[1] *Mon. Fran.*, i. 415. [2] *Ibid.*, 418. [3] *Ibid.*, 419. [4] *Ibid.*, 429.

both, but in a different manner. The sword of the word is for his use, the iron sword is to be wielded at his command." The innocence of the ecclesiastical hierarchy is not helped by using the arms of the world. Eliseus, weak, alone, and unarmed, was helped by the heavenly chariot and horses, and overcame the strength of an earthly army. So, when Moses lifted his hands, Israel overcame. "Let the successors of the apostles never forget, I pray, the words, 'If God is for us, who is against us?' These are the words (of God) who said to the disciples, 'Behold I am with you always, even to the end of the world.'"[1]

It is not quite evident what effect the protests of the English representatives at the Council of Lyons had upon the subsequent deliberations of the fathers. The pope is not known to have made any formal reply to the paper of complaints presented to him. If Matthew Paris was correctly informed—and most of the information we now possess about the Council of Lyons is derived from his chronicle—Pope Innocent IV immediately turned the attention of the meeting from the unpleasant matters raised by the English representatives to the "more important business" (*altiori negotio*) of the emperor, against whom he forthwith "in full Council, and not without causing stupor and horror on all who heard him," fulminated a sentence of excommunication.[2]

In the general constitutions of the Council, there is, however, some slight indication that the representations of the English nation had some weight. The first clauses of these constitutions dealt with the conduct of ecclesiastical causes and with the powers of delegates and judges, in compelling the presence of the parties in various suits. The privileges of papal legates are thus determined.

[1] *Mon. Fran.*, i. 437. [2] Matthew Paris, iv. 445

To relieve the subjects of the Church "from burdens and to remove scandals," it is decreed that "legates of the Roman Church, however ample their powers,—have no authority, by virtue of their office, to confer benefices."[1] In two articles, the question of excommunication is briefly dealt with. Excommunication is to be regarded as remedial and medicinal, and not as intended to inflict a mortal blow or as being the final word of the Church. All such sentences must therefore be in writing, and a statement of the cause was to be furnished to the excommunicated person, within a month of the day the sentence was promulgated. A superior should have no difficulty in relaxing the sentence, if he thought fit, and judges were to understand that they have no right to fulminate sentences without due consideration.

The statuta, although approved of by all, were, in form and matter, more the decisions of the pope than of the Council. Some of the articles were communicated to the meeting, as having been published before the Council, some during the session and some even afterwards. There was much discussion about the crusades, and many wise provisions were made for pushing forward the preparations; but a difficulty arose upon the question of money contributions. The Fathers objected to the payment being made to officials appointed for the purpose by the Holy See, as they declared that rightly or wrongly the faithful believed that frequently the money subscribed for the Holy Land had been used for other purposes.

This was apparently the termination of the business of the Council, and the English proctors looked in vain for the direct reply to their representations, which the pope had promised. Innocent IV evidently desired to pass it by

[1] Matthew Paris, iv. 467.

in silence, and the sittings of the Council terminated without anything more being said on the matter. The English were angry, and the king's agents left with the threat that they would henceforth never pay the annual tribute, nor allow the revenues of their churches to be disposed of against their wills. The pope, upon hearing of their indignation and of their resolution as to the tribute, sent for each of the English bishops present and obliged him to set his signature to the charter made by King John. The bishops taken thus unawares and singly, did not dare to refuse. But upon hearing of this, King Henry vowed that he would never again as long as he lived pay any annual tribute to the Roman Curia.[1]

Bishop Grosseteste left Lyons shortly after the conclusion of the Council. He was accompanied by Friar Adam Marsh and his socius, Friar John of Stamford. From Rouen the bishop wrote to William of Nottingham, the minister of the Minorites in England, to give him some details of their journey. At Beaune the socius, Friar John, was taken ill with fever, but after a few days they were able to bring him with them to Nogent, and thence down the Seine to Paris. Fearing, however, that the climate of the city would be bad for the invalid, they had carried him by water to Rouen and so to Mantes. At this latter place it became evident that the Friar socius was now too ill to be moved, and as Friar Adam Marsh was unwilling to leave him without the company of some of his brethren, the bishop suggests that the minister should send Friar Peter of Tewkesbury and others to take charge of the sick man, and so enable Friar Marsh to come on with him to England. Grosseteste adds that it would not be safe to leave Friar Adam too long in this part of France, since at

[1] Matthew Paris, iv. 479.

Paris there were many who wanted to keep him at the University as a professor, now that Alexander of Hales was dead. This must be prevented, he says, as were he obliged to go to Paris both the Friar Minister and he himself would be deprived of their greatest help and support. The bishop adds that he hoped to reach England about 14th October, and that he had won his case against the Lincoln Chapter.[1]

Bishop Grosseteste appears to have left the pope well satisfied with what he had accomplished. In his letters he gives a slight indication of what happened at his farewell interview with Innocent IV. Writing after his return to one of the cardinals in Curia, he begs him to try and procure for the archbishop of Canterbury the support of some Franciscan friars as permanent advisers. He thinks that some such counsellors are absolutely necessary for him; and "on leaving," he says, "I earnestly begged the lord pope to do what I suggested. He was favourable, and said that he would carry out my request." It is to be feared, however, that unless you bring it to his memory, it will quickly pass from his mind.[2] At this interview, too, Innocent IV charged the bishop with the transaction of a piece of business which Grosseteste did not much like. This was to urge the archbishop of York to carry out the pope's requests in behalf of John Ursarola, bishop of Cervia, who is described as "old, afflicted and poor." The bishop of Lincoln on his return prefaces his letter to the archbishop, de Grey, by saying, that often "we are compelled by obedience to do something that causes us grief and which we would gladly omit, but cannot do so because it is enjoined upon us by a superior." Thus, he says, he is obliged in this case to urge the request, which "at his

[1] Grosseteste, *Epist.*, 334. [2] *Ibid.*, 336.

leaving, the pope earnestly and firmly by word of mouth ordered to be made on his behalf and on that of the cardinals.[1] If, as may be supposed, the request of the pope had reference to the bestowal of some benefice on the aged bishop, it is easy to understand Grosseteste's extreme reluctance to forward it in any way, or to urge it upon the archbishop.

The bishop, on reaching England, wrote to the pope a letter of considerable interest. "On my return to England," he says, "I met the king coming back from Wales, and had some private conversation with him. When amongst other things I had, in my fashion, spoken a few gentle, persuasive words about the obedience, fidelity and devotion to be shown to your Holiness and to the holy Roman Church, and about the need of supporting it, firmly and constantly, especially now that some are endeavouring—by God's help vainly—to disturb its tranquillity, he answered me in this fashion: 'Lord Bishop, we intend, as we ought, to guard untouched all that belongs to our Crown and royal estate. We desire that in this the lord pope and the Church should assist us. You may take it for certain that we shall show and observe, entirely and always, obedience, fidelity, and devotion to the lord pope as our spiritual father, and to the Roman Church as our mother, and that we will firmly, constantly, and truly abide by them in prosperity and adversity. The day when we shall not do all this, we will give our eyes to be plucked out and our head to be cut off. God forbid, that either life or death, or any other thing that can happen, should separate us from devotion to our father and mother in spiritual things. Indeed, over and besides the ordinary reasons which bind all Christian princes to

[1] Grosseteste, *Epist.*, 337.

the Church, we, above all other princes, are bound by a special reason to it: for when, whilst still young in age, we were deprived of our father, with our kingdom not only turned from us, but even fighting against us, our mother, the Roman Church, through the lord cardinal Gualo, then legate in England, brought back the kingdom to peace and subjection to us, and consecrating us king crowned us.'"

"This reply of the king," adds the bishop, "at his order I have written to you, so that you may know for certain what devotion the said lord has for you and the Roman Church."[1]

[1] Grosseteste, *Epist.*, 338-339.

CHAPTER XIV

THE YEAR AFTER THE COUNCIL OF LYONS

THE representations of the English at the Council of Lyons do not appear to have produced any appreciable change in regard to the chief of their grievances. The bishops and the embassy from the king had returned in the autumn of 1245; and although the papal collector, Martin, was no longer present in the country, many things rendered it apparent that no great change of papal policy was contemplated. On 18th March, 1246, consequently, the king assembled a parliament in London to discuss the situation.[1] The grievances complained of by the English representatives at the Council were laid before the meeting, and as one result of its deliberations, letters were written to Pope Innocent to solicit his serious attention to their complaints. The king in his communication to the pope, called God to witness that he had always shown love for his "mother, the Roman Church," for whom he could not have too great an affection. To her, he said, he turned with confidence in his needs, as a son "to the parent who has nursed him at her breasts." He could not, however, be deaf to the outcry of his nobles, clergy, and people, who invoked his royal aid to put a stop to oppressions, practised on them by the pope's nuncios, especially at

[1] *Ann. Mon.*, iii., 169.

that time, and he prayed the Holy Father to listen to the representations that are made to him.[1]

The barons write at somewhat greater length, and inclose a schedule of matters to which special exception is taken. Addressing Innocent IV as their "most holy and beloved father in Christ," they remind him that they are all children of the Church, and that their interests should be safeguarded by him, who is their common father. "Our mother the Church," they say, "is bound to cherish her sons, gathering them under the shelter of her wings (so to speak) in such a way, that the children are not dishonoured by their obedience to their mother, but are ever ready to defend her from attack in case of need." "A mother should remember the children of her womb, lest, if she act in such a way as to deprive them of their milk, she may be reputed to be a step-mother. A father, withdrawing his love from his sons, should be called a step-parent rather than a father, as he treats his own children as if they were not his." They then urge the pope not to turn a deaf ear to the words of the agents they are sending to represent their case. If he were to do so, then "a great scandal must certainly arise;" for unless the king and kingdom are forthwith freed from the evils of which complaint is made, "it will be necessary to build a wall to protect the house of God and the liberties of this kingdom." This they "hitherto, and until the return of their embassy, have hesitated to do, out of reverence to the Apostolic See." But "unless the said evils are quickly corrected by you, your Holiness must clearly understand what is really to be feared, namely, that the situation will become so dangerous both to the Roman Church and to the king, that it will be difficult to find any remedy."[2]

[1] Rymer, i. 265.

[2] *Ibid.*, 265.

The messengers to the pope took with them also a letter from the abbots and priors of England, and another from the bishops. In the first document the religious superiors of England say that they turn with confidence "to the supreme pontiff of the Universal Church." The providence of the Divine Majesty "which has ordered all things in measure and number and weight,[1] has so set the foundations of His Spouse, the Church, upon the solid rock, that on that firm foundation rendered strong by the blood of His Son, the building to be erected might the more easily and happily rise up. For the Universal Church—at the will of its Spouse—is ruled, like the ark at the deluge, by one Father and one Shepherd." The writers then go on to say that the English Church had ever been renowned as "a special member of the holy Roman Church, but that now it was rendered not a little sorrowful, sad and disturbed by exactions, oppressions, and manifold troubles." Therefore, they say, "to you, Reverend Father, the English Church has recourse, as to a column of strength, which God, not man, has set up," knowing that you will see justice done and protect it from all oppression. "Since, therefore, we are all faithful and devoted sons of the holy Roman Church, and since blows that are expected are less hurtful, we have determined to make known our difficulties to the Apostolic See," for it is to be feared that unless matters are quickly remedied, there will be a "popular tumult, a scandal, and a schism." The "people are stirred up against the king and are ready to withdraw their fidelity from him unless by his royal power he stays the evil. The bishops and nobles say that if the churches and other benefices given by them to monasteries are bestowed on Italian clerics, they can justly take back these benefices and

[1] Wisd. xi. 2.

churches, since their revenues ought to be spent on the poor and pilgrims, this being the intention of the donors and the reason of the gifts."[1]

The bishops were not less explicit as to the danger of continuing the present policy of the Curia. The archbishop of Canterbury was not then in England, but the letter was sent in the name of all the bishops of the province. They had heard, they say, with great grief, the complaints which had been made in the late Council at Lyons on behalf of the king, nobles, and entire English people. Their love for the Holy See had always made them most desirous of keeping the people and kingdom in "the unity of their mother the Church." Discontent, however, was rife, and had increased since the Council, as nothing in the way of a remedy which the pope had then been understood to promise, had been attempted. They entertained the gravest fears as to the result of all this discontent, and they begged Pope Innocent to regard "the fervour of the English faith, and to remember how the kingdom was always most devoted to the holy Roman Church," and to find some remedy for the dangers which threaten even the peace of the nation.[2]

The messengers bearing the complaints of the English nation and the accompanying letters, set out for Lyons on 9th April, 1246. At their head was the same William de Powick who had been spokesman at the Council for the king's proctors. Already there were rumours that the officials at the Curia were inclined to give way on some points, and it was apparently quite certain that the pope had promised that henceforth no Italian should be appointed to any English benefice unless the king had first been petitioned on the matter.[3] On the other hand there was a

[1] Rymer, i. 265. [2] Matthew Paris, iv. 530. [3] *Ibid.*, 533.

story current, which found its way to the ears of Matthew Paris, that Innocent IV had made demands in an altogether new way that opened out possibilities of further exactions from the English. At the Council the pope had noticed the embroidered and gold-worked orphreys of the copes used by the English ecclesiastics. "Where are these made?" he inquired. "In England," was the reply: whereupon he exclaimed, "truly, England is our garden of delights, it is an inexhaustible mine; and where much exists there is the possibility of extracting much from it!". And so, shortly after, the English Cistercian abbots received the papal commands to send him some well-worked orphreys to ornament the papal copes and chasubles, "just as if," says the chronicler, "they could be got for nothing."[1]

Almost at the same time a novel claim was put forward by the pope, which Henry at once determined to resist. Rumour at the Curia had spoken of the great wealth of some of the English clerks who had died without making a will, and whose property had thus reverted to their relations. One, John of Houghton, archdeacon of Northampton, had died, it was said, suddenly, and intestate, leaving an estate of over 5,000 marks, thirty gold and silver cups, as well as jewels innumerable. Innocent IV, in consequence of these rumours, ordered that a new canon should be promulgated in England by the Franciscans and Dominicans to the effect that the property of every clerk who died without having made a will should belong to the pope. The king at once prohibited the promulgation of this "novel and unheard-of proposal," as detrimental to the best interests of his kingdom.

On 24th March, 1246, even before the English representatives had left the country on their way to Lyons, a

[1] Matthew Paris, iv. 546.

papal letter demanding a subsidy was circulated by the bishops of Winchester and Norwich, to whom it was addressed. In this letter the pope reminds the bishops that the previous year, before they left the Council, he had written to them and to the bishops of Lincoln, London, and Worcester, ordering them to collect a sum of 6,000 marks from the English Church. He asks them to let him know what they had done in the matter. If they have done nothing, he bids them under obedience within twenty days apportion the subsidy according to the means of the various dioceses, and see that it is collected and forwarded at once to him.

To the prelates who had not been present at the Council, and of course to the nobles and king, this demand was entirely new. The matter was at once raised in parliament, and fresh protests were suggested. Henry, however, cut the matter short by prohibiting altogether the collection of the tallage in behalf of the pope. He blamed the bishops who had been present at the Council of Lyons for having given even a tacit consent to the papal demands. Before even seeming to acknowledge such a power of taxation, they should have referred the whole question to their peers in England. And he threatened with the confiscation of their temporalities all who, after this warning, should persist in collecting the sum asked for.[1] The collection, however, had already been made in certain districts, and in these cases the bishops were directed to hold the money, and not to let it pass out of their hands. Thus, to the abbot of St. Alban's Henry wrote that he was astonished to hear that the bishop of London had compelled him to pay the papal tallage, and he ordered him to give no heed to such a command.[2]

[1] Matthew Paris, iv. 558.

[2] *Ibid.*, 534.

Bishop Grosseteste, as one of the prelates present at the Council of Lyons, was involved in some difficulty. He writes to the king to justify his action in the matter, and in view of his well recognised opposition to papal provisions generally, the ground he now takes to defend himself is not unimportant. Henry had expressed his astonishment that Grosseteste had ventured to demand the tallage in his diocese on his own initiative. To this the bishop replies: "I have done nothing in this matter upon my own authority, or indeed alone; for the other venerable fathers and bishops are doing the same, or have already finished the collection, in the way laid down for them by Master Martin, the pope's nuncio, when he was still in the country. They, like me, were obliged to do this by the pontiff's authority, for not to do what he orders, is like the sin of witchcraft—and to refuse to obey, like the crime of idolatry."[1] The wonder is, "not that I and my fellow bishops have done what we have, but it would be more to be wondered at, and our conduct would be deserving of the greatest reprobation if, even had we not been asked and bidden, we had not done something and even more than we have. For we see our spiritual father and mother (whom we are incomparably more bound to honour, obey and reverence, as well as to assist in every way in their needs, than we are our natural parents), driven into exile, on every side attacked by persecutions and tribulations, despoiled of all patrimony, and not having proper and fitting means of support. If, therefore, we come not to their assistance when in such a condition, it is certain that we are transgressing the Lord's command to honour our parents. . . . . That royal clemency which strengthens the kingly throne, will never prevent nor check children wishful to honour their father and

[1] I. Reg., xv. 23.

mother; but it will rather, as behoves royal benevolence and magnanimity, approve their purpose and encourage and assist its fulfilment. Your Majesty may be assured that all who have counselled you in this matter otherwise, have not regarded your kingly honour."[1]

By the beginning of July, 1246, William de Powick and Henry de la Mere, the messengers who had been dispatched by parliament to the pope, were back again in England. To hear the account of their mission, parliament was summoned to meet the king at Winchester on 7th July. The deputation, from the national point of view, was a complete failure; Innocent IV showed no disposition to abate his calls upon the purse of the English clergy. The pope had sent for them, and they went to the audience expecting to receive some encouraging assurance to take back to their countrymen; but the Holy Father had merely said: "The English king, who kicks against the yoke and 'Fredericises' —or follows in the steps of the emperor—has his opinion, and I have mine, which I intend to follow." After this, nothing more was to be done, for, as the messengers describe the situation, "from that moment scarcely any Englishman could do any business in the Curia; indeed, all were treated as schismatics."

In reply to the letter of the English king, Pope Innocent wrote on 12th June, begging Henry not to object to his requiring a twentieth part of the ecclesiastical revenues of England, and hinting that he would moderate his practice of appointing to benefices in the English Church. He was anxious, he says, out of love and affection for the sovereign, to do whatever was pleasing to him, provided it was consistent "with his duty to God and the honour of the Roman Church." The royal messengers had told him how the

[1] Grosseteste, *Epist.*, p. 341.

tallage, imposed on English benefices, was objected to, and had asked him to desist both from exacting this, and from providing to livings in the Church of the country. The tax, he explained, had been settled after long deliberation in the Council of Lyons. It was considered that the danger in the Holy Land was a common danger to all Christendom, and that the money needful should consequently be met by all Christian countries. For this reason the pope pleads that the king will allow the tax to be levied. As to the question of "provisions," Innocent IV points out that he is obliged to reward those who in the time of its adversity had been faithful to the Holy See; still, he promises to moderate the demands he has made, so as to satisfy the royal objections[1] to the practice.

Bishop Grosseteste's views of the limitations of the kingly power in matters ecclesiastical, were clearly stated to Henry himself during the course of the year 1246. The king had desired him to admit one Robert Passelew to the living of St. Peter's, Northampton, which the bishop conscientiously could not do, considering him unfit to have the cure of souls. In announcing his refusal and his reasons, he draws a careful distinction between the royal and the sacerdotal powers. "We recognise," he says, "two principles of authority in the world; the authority of the priesthood, and that of the king. The first directs all pertaining to eternal peace; the second, all pertaining to temporal peace —they mutually help each other, and as a consequence, neither should be an impediment to the other—the sacerdotal authority certainly does not interfere with the regal in its government of the State by just laws, in its protection of it by arms, in its making it illustrious by insuring good morals: so on the other hand, the royal authority does not

[1] Rymer, i. 266.

hinder the sacerdotal in watching over the safety of the flock, in ministering to it the bread of the word of God, in manifesting illustrious examples of holy works, in insisting upon vigils, fastings and assiduous prayers, which as the Apostle testifies, cannot be done by him "who entangleth himself with secular business."[1] Wherefore the secular power, the help of the sacerdotal, cannot entangle those who are dedicated to the pastoral charge in secular affairs." The bishop then goes on to declare that he wishes to see both powers duly supported in their own sphere by those devoted to them: "that is, that spiritual matters should be in the hands of ecclesiastics and spiritual persons, and secular matters in those of lay people." In conclusion, he warns Henry not to think, as he apparently was inclined to do, that the anointing of the sovereign at his coronation gave him any ecclesiastical dignity. It was a sign, no doubt, of the sevenfold gift of the Holy Spirit poured out upon the newly-crowned king, "but this unction in no way raises the royal dignity above the sacerdotal, or even makes it equal to it, still less does it confer any sacerdotal power."[2]

The king was angry at the attitude taken by the bishop of Lincoln, and made no attempt to conceal it; and this having been conveyed to Grosseteste, he wrote another letter upon the same subject. In this he asked Henry's pardon if his words had offended him, but he did not in any way retreat from his position. To Archbishop Boniface of Canterbury, however, he wrote on the subject in the strongest terms. He was appointed to his high office, he tells him, to correct abuses and to help people to do their duty, not to compel any one to act wickedly. Now the acts of the archiepiscopal official are to be assumed to be the acts of the archbishop, and this officer has ordered him, the

[1] 2 Tim., ii. 4. [2] Grosseteste, *Epist.*, 349.

bishop, to admit Passelew, whom he has judged to be wholly unworthy, to the living of Northampton. He has pointed out that to obey against his conscience is wholly illicit, and would be "like the guilt of idolatry." He consequently has refused; and he begs the archbishop to pause before he inflicts such an injury on the Church of God, as to proceed to the induction of such a man into any living.[1]

Grosseteste was supported in his determination to prevent, at all costs, the intrusion of unworthy candidates into any of his livings, by the authority of his friend and adviser, the Franciscan, Adam Marsh. In a letter written to the bishop about this time, the friar urges the great responsibilities that rest upon those who have the filling up of benefices. He rejoices to understand that Grosseteste has resisted all improper presentations, even at the risk of making himself unpopular with other bishops, of opposing the wish of nobles, and even of withstanding the authority of the king or the demands of the Roman officials. When the cure of souls is in question, the greatest care must be exercised by every worthy bishop, and the help of the Holy Spirit should be sought, that the person chosen may prove to be a fitting pastor.[2]

In the early part of the year 1246 the king of England sought the pope's intervention to protect what he held to be his rights in Provence. Raymond Berenger V had died the previous year, leaving four daughters, the last of whom, Beatrix, was married to Charles, duke of Anjou, the brother of St. Louis, king of France. Assisted by the influence and authority of his royal brother, Charles claimed to succeed as count of Provence in right of his wife. In 1236, Henry III had married Eleanor, another

[1] Grosseteste, *Epist.*, 355. [2] *Mon. Franciscana*, i. 139.

daughter of the late Count Raymond,[1] and he seems to have considered that he also had interests in the country, which had been ignored by the succession of the French king's brother. He consequently sent his agents, Bartholomew Pesce and Brother Ralph, a Trinitarian, to beg the pope to interfere on his behalf and that of his brother, Richard of Cornwall. He asked for three things: first, that by his papal authority Innocent IV would protect their rights in Provence; secondly, that he would at once send a legate to prohibit Charles of Anjou from taking possession of the cities and towns of the country; and thirdly, that he would not admit any will or disposition of the late count, until some reasonable period for inquiry and examination had been allowed to pass. It was not the first time that the question of these English rights had been broached to the pope, a former messenger from Henry to the Curia having already spoken of the matter, so that Innocent was prepared with his reply. It was in the negative: the pope declared that he could not see his way to interfere directly in the matter at all, but he promised to write to the king of France and his brother Charles, to engage them to deal liberally with any rights which the wives of Henry and his brother Richard might have in the country of their origin.[2]

The king's envoys, though they failed in the direct object of their mission, appear to have induced the pope to grant another favour likely to prove useful. This was to secure a letter, addressed to the bishops and nobles of England, urging them to return to their sovereign the lands and other possessions of the Crown, which he had granted

[1] The four daughters of Berenger were married to the kings of France and England, to Charles of Anjou, and Richard of Cornwall.

[2] *Registres d'Innocent IV*, i. No. 1,967.

to them at any time since his coronation. Henry, at the time of receiving the sacred unction, so the pope reminds them, had taken an oath to guard and preserve all the liberties and possessions of his Crown, and for this reason all his subsequent gifts, made under pressure of circumstances, were unlawful, and should be returned to him.[1]

Considerable difficulty now arose in regard to the archbishop of Canterbury, Boniface of Savoy. This prelate had been appointed to the diocese of Belley, near Chambery, but had not been consecrated bishop, when, through his relationship with the English queen, he was nominated by King Henry to succeed St. Edmund at Canterbury. The monks acquiesced in the royal nomination ; but it was not until 1243 that the elect received papal confirmation. Even after this he was still allowed to defer his consecration for some considerable time, and finally received it at Lyons on 15th January, 1245, at the hands of Pope Innocent IV, assisted by Bishop Grosseteste and the bishop of Hereford. The archbishop remained for the Council, and commanded the papal guards during that assembly, obtaining from the pope, as his reward, a gift of the first fruits of all vacant benefices in the province of Canterbury for seven years.

The archiepiscopal See on the accession of Boniface was much impoverished. Not only had his predecessors left considerable debts, but the action of the king during the long vacancy had tended to diminish the revenues. During the year 1244, when Boniface had visited England prior to his consecration, he had rightly gauged the situation and had set about repairing the shattered fortunes of his See. He demanded that the whole province of Canterbury should aid in paying off the debts left to him as a legacy, and he wished to secure the consent of the suffragan

[1] *Registres d'Innocent IV*, i. No 1,765.

bishops to this scheme of liquidation. This apparently was resisted; and the grant by papal authority of the first fruits of all benefices in the south province which he desired, was consequently refused to the new archbishop. On 19th April, 1246, however, Innocent IV addressed two letters to the bishop of Hereford, urging that it was the duty of all ecclesiastics in the suffragan Sees of Canterbury to come to their archbishop's assistance, and specifically ordering the bishops to secure to him the fruits of all vacant benefices.[1]

Bishop Grosseteste, the second of the two bishops who had acted as assistants at the consecration of Archbishop Boniface, also received a copy of the papal grant of first fruits to Canterbury, with directions to publish it. Providence, writes the pope, so disposes the changeable nature of things, as "now to cause superiors to need the help of inferiors, now inferiors to require the support of superiors—that, so bearing each other's burdens and assisting one another, all may fulfil the law of Christ." At the present time, he continued, the See of Canterbury is so burdened by debt "that it can hardly be freed from its difficulties without the intervention of the Apostolic See," and "seeing that the Church of Canterbury is held in honour among all the Churches of the world, and is regarded by the Roman Church as a specially beloved daughter, we have determined at the request of the archbishop to come to its assistance. We have consequently ordered our venerable brother, the bishop of Hereford, to collect for seven years, the first fruits of all benefices in the diocese and province of Canterbury, and the sum of two thousand marks from the revenues of the archbishopric to defray these debts, until the sum of 10,000 marks has been collected."[2]

[1] *Registres d'Innocent IV*, i. Nos. 1,935, 1,936.
[2] Matthew Paris, iv. 507.

Archbishop Boniface was not at this time in England. After having, through the pope's intervention, made provision for the payment of his most pressing debts in England, he turned his attention to family business and affairs, and did not come to take possession of his See till towards the close of 1249. Meanwhile, on the publication of Pope Innocent's letter disposing of the first fruits of the Canterbury province in behalf of the archbishop, the king was "first astounded" at the papal action, and "then angry and even greatly incensed" both at the action of Boniface of Savoy, and at the "new and unheard-of extortion of money" ordered by the Roman Curia. "By this measure," he declared, "all my people, to whom the patronage of churches belong, are defrauded, the country is despoiled of revenue, and other like measures may be feared." As a consequence of this, Henry sent orders to the bishops not to allow Bulls of provision to be received in their dioceses, and to the various ports to stop all bearers of such letters from entering the country.[1]

The bishops generally proved themselves most unwilling to direct the collection of first fruits for the purpose of liquidating the Canterbury debts. In their opinion these had been contracted by the rash borrowing of the archbishops at usurious interest. Archbishop Boniface brought this hesitation to an end by a summary suspension of all his suffragans who refused to carry out the papal orders. They gave way, and received absolution together with a further mandate from the pope, addressed to them through the bishop of Hereford, on 5th June, 1247, excommunicating all who should venture to oppose the order, excepting only the king and queen with Richard of Cornwall.[2]

[1] Matthew Paris, iv. 510.
[2] *Registres d'Innocent IV*, i. No. 2,814.

In this year, 1247, the creditors of the archbishop became most pressing; and he had again to apply to the pope for relief, especially as the receipts from the first fruits do not appear to have been very considerable. As the result of the new application of the English archbishop, Innocent IV granted him his discharge from all debts, for which the creditors could not give absolute and legal proof that the money had been borrowed and used for purposes of the See.[1] At the same time further mandatory letters through the papal agents in England were addressed to the bishops, to compel them to obey the orders already given as to the payment of first fruits[2] in liquidation of the archbishop's obligations. At the same time the dean of Beauvais, then the chief agent of the Curia, was directed to see that the absent archbishop was not pressed unduly by his creditors.[3] A few days later, the same ecclesiastic was ordered to publish a sentence of excommunication against all, who having been recently presented to livings, had not paid the amount of the first year's revenue to the collectors appointed to receive them in behalf of the archbishop;[4] and on the same date, the bishops were directed, before instituting to any benefice, to inform the cleric, so presented, of the excommunication so pronounced against him if he did not pay over his first fruits.[5] A month later the archbishop was complaining again to the pope that the limit of ten thousand marks, set by the papal authority, for his claim on the benefices was too narrow, and at his request another two thousand marks was given him from the same source;[6] fresh efforts were ordered to be made to collect the sums as they became due,[7] and the excommunication of

[1] *Registres d'Innocent IV*, i. No. 3,369.
[2] *Ibid.*, No. 3,371.
[3] *Ibid.*, No. 3,372.
[4] *Ibid.*, No. 3,396.
[5] *Ibid.*, No. 3,397.
[6] *Ibid.*, No. 3,410.
[7] *Ibid.*, No. 3,411.

those who, in spite of all that had been said and done, still neglected to pay what was owing.

When this unhappy affair is last heard of, in 1248, the archbishop of Canterbury was still at Lyons, endeavouring through his proctor in England, the dean of Beauvais, to gather in the first fruits from the various workmen in the portions of the Lord's vineyard assigned to their special care. Additional powers had even enabled him, through his agents, to keep benefices vacant for a year. Some one was appointed to take charge of the living at a salary, and the collector took the revenues to assist in the liquidation of the Canterbury debts.[1] Throughout the province the knowledge that excommunication awaited all who did not assist in this unpopular work, was kept well before the minds of all by the strenuous efforts of the archbishop's proctor, the dean of Beauvais. The sentence was published "in every church in the country," says Matthew Paris, "and it caused great indignation in the minds of many," not merely because of the extortion itself; but because, since the king had been excepted, he appeared to tolerate the injury.[2]

Before the close of the year 1246 the pope determined upon pushing forward the crusade movement in England. He appointed preachers to urge the necessity of all taking a part in liberating the Holy Land, and in endeavouring, for the sake of the security of Europe, to break the power of the Saracens.[3] To the bishop of Hereford, with whom and with Bishop Grosseteste he chiefly transacted his English business during the absence of the archbishop of Canterbury, he had already given power to commute any crusading vow for a money payment, to be spent on the

[1] *Registres d'Innocent IV*, i. No. 3,471. [2] Matthew Paris, v. 36.
[3] *Registres, ut sup.*, No. 2,229.

purposes of the expedition. He also hoped to obtain money by giving a general and roving commission to the Dominicans and Franciscans to collect, in aid of the Empire of Constantinople. The terms of their authorisation suggests that they might inquire as to any usury having been practised, and by ecclesiastical censure might compel those who had grown rich in this way to give up the proceeds to them; they might offer special Indulgences to those who would take the cross, or contribute of their substance to the work; they might during three years claim the sums left in wills under the general heading of good works, or in restitution for ill-gotten goods; they might even in the case of living persons who possessed property to which they had no right, if the real owners could not be found, compel them to make restitution to them. By these and other means, it is suggested that the friars would be able to secure considerable sums of money to be used in the crusading expeditions.

But Pope Innocent was not content to leave matters to the good-will of the multitude or to allow the success of his projected expeditions to depend on chance contributions, or on uncertain sums obtainable by the friars for dispensations or as restitution. On the 12th of June, 1246, in a letter to the king already quoted,[1] he makes it clear that he looked for more than that, and in his letter to the bishops in July he asked for a twentieth part of all English ecclesiastical benefices for three years.[2] Later on the demand was extended to a third or even to a half of the English ecclesiastical revenues for the same period, and the bishop of London was appointed to see that the collection was made.[3]

[1] Rymer, i. 266.

[2] *Registres*, *ut sup.*, No. 2,018.

[3] Matthew Paris, iv. 580.

On 1st December, 1246, the bishop of London summoned some of the chief ecclesiastics to meet him at St. Paul's to discuss the situation. It was evident to all that the contribution thus demanded was wholly out of the question, and, whilst they were actually debating the matter, the king sent to put a stop to it, by absolutely prohibiting the clergy from consenting to the subsidy demanded of them. Before separating, a formal statement as to the impossibiliy of doing what the pope demanded, was drawn up by the clergy and put into writing. "Had the real state and condition of England been known to the pope and cardinals at the time of the Council," this document says, "it would have been impossible to have passed the statute," and still more impossible to have endeavoured to enforce it. To exact anything like half the revenues would make the life of the canons in the English cathedral churches impossible, and the Divine Office would cease. Religious houses, also, in great measure were supported, and their works of charity maintained, by the revenues of impropriated churches. If half these were to be taken away, the religious would be compelled to beg for their living, and they would be obliged to give up that hospitality and charity, to maintain which they were established. The same would inevitably be the lot of the rectors of parish churches, who never had so great a margin from their revenues as to be able to live on only one half of what they received, and it was impossible to imagine what would become of the poor, who in such great number had ever been maintained in England out of the patrimony of the Church.

Lastly a rough calculation was made as to the enormous sums of money that would be paid out of the country to the pope, in the event of this half being exacted by

this authority. "Quite recently," says the document, "under the name of a twentieth of the ecclesiastical property, the pope received six thousand marks. On the same basis the sum now asked would be sixty thousand marks" at least, and there was reason to believe that it would not fall far short of eighty thousand. Such a payment, the writers declared, could not be furnished by the whole kingdom of England, much less by the Church alone. The writer of the memorandum concluded by pointing out, that when King Richard had to be ransomed, to obtain the sixty thousand marks required from the entire kingdom, it was necessary to sell and pledge chalices and other ecclesiastical plate before the ransom could be made up. Seeing, therefore, the impossibility of satisfying the papal demands, the bishop of London is asked to acquaint the proctors of Innocent IV with the refusal of the English Church, and with their determination if necessary to appeal to a General Council.[1]

About Christmastide of 1247, the king summoned a parliament to meet in London on the feast of the Purification, 2nd February, to consider the question of these constant papal demands, which affected France no less than it did England. In fact the discontent manifested in the former country is said by the historian of the time to have seriously interfered "with the devotion of the faithful, and that filial affection which every Christian is bound to show towards their spiritual father the pope."[2] With the French laity the feeling of bitter resentment against the demands went to much greater lengths than they did in this country, and found expression in movements directed against religion and against the clergy generally.

Parliament met in London on 3rd February, 1248. The bishops elected to stay away, that the representatives

[1] Matthew Paris, iv. 581-585. [2] *Ibid.*, 591.

of the clergy might have greater freedom of speech in discussing the grievances of the English Church. This liberty they used, and they were listened to, in entire sympathy, by the king. It was agreed that a joint appeal from the clergy and people of the province of Canterbury should be addressed to the pope, and dispatched at once to the Curia, with a second letter to the cardinals, urging them to turn the pope from his purpose.

The letter to Innocent IV. sealed with the seal of the city of London, was couched in most respectful terms, but left no doubt as to the meaning of the memorialists. "Since the English Church from the time of its reception of the Catholic faith" (runs this document), "has studied to satisfy God and its mother, the holy Roman Church, so will it faithfully and devoutly serve it, without ever drawing back from its pledged obedience, but rather ever increase (in its loyalty) with the growth of its moral teaching."[1] Nevertheless, it is necessary that the pope should understand that what he asks is impossible. Kneeling at his feet, they beg of him to realise that the amount of money now wanted cannot be obtained, especially as their "temporal lord, the king" urgently requires their help against his enemies. "We send," they conclude, "the bearers of these letters to your Holiness with our prayer, so that they may explain to you the inconveniences and dangers that would immediately follow what is proposed (by you). These we cannot be reasonably expected to face, though we are bound to you by every bond of charity, obedience, and devotion. Since our whole body (of clergy and laity) have no common seal, we send this letter to your Holiness, authenticated by the seal of the Corporation of the City of London.[2] At the same time and by

[1] *per incrementa morum.* [2] Matthew Paris, iv. 595.

the same messengers, a joint letter of clergy and laity was dispatched to the cardinals in Curia, whom the writers address as "columns supporting the Church of God." The document points out how much the English Church has contributed to the pope since the time of the Lateran Council, thirty years before: first, a twentieth part of ecclesiastical revenues for three years for the Holy Land; then a tenth to help the pope himself; then many other contributions for various purposes ordered by the pontiff and paid with prompt obedience by the English Church. Besides this, "by command of the Apostolic See they have frequently been compelled to assist their king and temporal lord," and even more than once, at the request of the cardinals, they have come to his help. Now, once more, demands are made from the Church, which cannot be satisfied: from some, half of their revenues; from others, a third part; and from the rest a twentieth of all they possess. Part is intended to help the French, who are our enemies, and those of our nation, to conquer the Greek empire; part is to be devoted to assist the expedition to the Holy Land, which, according to common opinion, can be recovered from the enemy with less difficulty; part, too, is to be given for other purposes, which the Apostolic See is to settle." These demands are so absurd, and hard, and impossible, that they beg the cardinals "for God and the honour of the Apostolic See," to induce the pope to withdraw his commands, and thus "recall to the bosom and obedience of Mother Church those who are wandering forth and being dispersed abroad; lest they who have been joined together in love and devotion may be separated and become as strangers." [1]

Before the messengers could reach Lyons the pope had

[1] Matthew Paris, iv. 596-597.

been fully informed of the difficult situation his purposed exactions had created in England. Apparently he was not disturbed by the news, and not believing that there was any substantial ground for the grievance, or that his wishes were in fact impossible to satisfy, he proposed to compel the nation to obedience by the extreme measure of an interdict. This was averted by the expostulations of the English cardinal, John Tolet, a member of the Cistercian Order. He pointed out that the whole world was slipping away from the papacy. "There are difficulties," he said, "in the Holy Land; the Greek Church has left us; Frederick, who is more powerful than any Christian prince, is opposed to us. You and we [cardinals], who are the support of the Church, are driven from the seat of the papacy, from Rome, and even from Italy. Hungary, with its great territory, awaits its destruction at the hands of the Turk. Germany is torn with civil war. Spain is raging to the length of cutting out the tongues of bishops. France is already impoverished by us, and is conspiring against us. England, frequently troubled by our injuries, now at length wounded by our blows and injured by our spurs, like Balaam's ass, speaks and protests and complains that its burden is intolerable and that its injury is past remedy. We, like the Jews, hated by all, provoke all to hate us."[1]

Although no reply to the expostulations of the English churchmen, clerical and lay, is recorded, the letter apparently had its effect in enforcing the expostulation of Cardinal Tolet; and the papal demands for so large a share in the ecclesiastical revenues were not pressed, at least directly. Innocent IV had, to some extent, won the English king from active opposition by some shadowy concessions

[1] Matthew Paris, iv. 579.

as to "provision," and by promises that an Italian should not be appointed to succeed an Italian in an English benefice. Moreover, there is little doubt that Henry foresaw that the time was coming when he would have to rely upon the pope to obtain a subsidy from the ecclesiastical revenues sufficient to meet his most pressing necessities. Both in the year 1246[1] and the two following years[2] the pope pressed Henry to pay him the annual tribute of 1,000 marks; and in December, 1246, he ordered his agent not to neglect his duty, but to collect for him half of the revenues of every benefice from which the holder had been absent, even with permission, for six months in the year.[3] At the close of the year, also, the advent of newly-appointed agents and collectors seemed to show that Pope Innocent had not in any way abandoned his hopes of obtaining all that he needed from the English Church in the way of pecuniary assistance in his many necessities. In regard to the national annual payment, a letter of the pope, at the very close of 1249, makes it apparent that at that date only 500 marks were owing, and this sum Innocent IV had borrowed from Florentine merchants on the strength of the debt, and begs Henry to be good enough to see that they are paid.[4]

[1] Rymer, i. 266.
[2] *Ibid.* 267 and P. R. O. Papal Bulls, Bundle liii. No. 3.
[3] *Ibid.*, 266. This document is wrongly placed in 1266.
[4] *Ibid.*, 271.

CHAPTER XV

HENRY III PREPARES FOR THE CRUSADE

THE king had now reached the middle of his long and troubled reign. His relations with his nobles and his people had temporarily somewhat improved, but the loyalty of his subjects was soon again tested to the utmost limit by the introduction of his foreign relations by marriage, and their friends, into place and power in England, and by his further demands for money to carry out his mistaken policy abroad. Moreover, the feeling of insecurity and distrust was increased in the popular mind by a suspicion that Henry had been working in the Curia for his own end. It was thought, apparently not without some grounds, that he would not be wholly displeased to see English ecclesiastics compelled by papal authority to pay the various sums demanded of them, provided that he could himself gain the pope over to his side, and secure the weight of his supreme authority over churchmen when the time again came, as inevitably it must, for him to seek help from the Church revenues.

Innocent IV had already, on 10th October, 1246, made an Englishman, Friar John, minister of the Franciscans in Provençe, his collector in the two provinces of Canterbury and York. To facilitate the collection of the sums of money claimed, he had given him powers to appoint others of his brethren to assist, and they were to use the extreme

penalties of the Church to compel obedience.[1] Friar John, acting on the authority thus given him, appointed another English Franciscan, Friar Alexander, as his associate in the unpopular duty set them. From the outset they appear to have rendered the work still more unpopular, by the large sums they everywhere exacted under the head of "procurations," that is, payments for their own support as papal envoys. As soon as possible they made their way to Bishop Grosseteste, who had always in word and deed shown himself a true friend to all sons of St. Francis, and presenting him their letters required the sum of six thousand marks as the contribution expected from his diocese for the papal collection. The bishop was astounded at the magnitude of the demand. Whilst fully admitting the papal right to require assistance, he did not hesitate to express his own sentiments: "This exaction," he said, "is unheard-of and shameful, for it is impossible for us to give what is asked of us; neither does it concern me only, but it affects the whole clergy and people, and indeed the entire kingdom. This being so, it would be rash and silly on my part were I to give you a final reply on so difficult a matter of business, or to consent to it, without consultation in the parliament of the country."[2]

Failing to secure at once what they had expected to get from the diocese of Lincoln, the two Franciscan friars betook themselves to St. Alban's. Here they did not take up their lodgings in the friars' guest-chamber, which had lately been established in the courtyard of the monastery for the Dominicans and Franciscans asking hospitality, but went to the great guest-house of the Abbey, where bishops and nobles were wont to be entertained, and where they were received with the honour due to the pope's representatives.

[1] *Additamenta*, 119. [2] Matthew Paris, iv. 600.

They at once proffered their demands for an immediate payment of four thousand marks, as the contribution of St. Alban's to the papal collection. But, here, too they were disappointed; the abbot pleaded his inability to meet the unexpected burden thus laid upon his house, and, in spite of their threats of grave spiritual penalties, he refused to satisfy the collectors. So far as St. Alban's was concerned, however, the matter did not rest here. The abbot was summoned to London by the friars to show cause why he did not pay the sum required of him, and, although he had appealed to the pope and the cardinals, he nevertheless put in an appearance by his proctor. Friar John at this court produced a papal letter dated the previous year, 1246, and addressed to the abbot, directly authorising his collector to make these peremptory demands. The sums of money "were intended," the letter said, "to meet the daily increasing pressure of secular difficulties," which made it necessary for the Holy See "to have recourse to the help of its subjects" generally. The Church, in resisting the evil tendencies of the age, was really fighting the battle "of all Churches and of all ecclesiastics."

On the strength of this mandate, Friar John ordered the abbot within eight days to pay over three hundred marks in silver, declaring that if he failed to do so, he would be excommunicated and his house placed under an interdict. To this threat, however, the proctor for St. Alban's replied, that having appealed to the pope personally they would await a personal reply. At the same time the worst was expected, since it became known that the pope was urging his envoy, by every means in his power, to send on the expected subsidy, or at least some part of it. Similar demands upon the Church of France had produced little or nothing, and they had only stirred up St. Louis to make

further protestations to the pontiff, and to take measures to prevent the payments being made by any of his subjects. In England there were many who feared the consequences of these constant demands on the part of the Roman Curia. Rumours were in circulation that princes and magnates whose predecessors, or who themselves had founded and endowed the ecclesiastical and religious bodies by their charters, were talking of resuming possession, now that the revenues were being taken for purposes other than those for which they had been intended, or were being given to foreigners.

Meanwhile the case of St. Alban's was pleaded before the pope at Lyons by a monk possessing the characteristic name of John Bull, who had been accompanied to the Curia by a lawyer named Adam de Bern. Before these proctors, however, had time to present their case fully, Friar John in England again peremptorily summoned the abbot to meet him at Bedford on 17th December, 1247, and there to pay the subsidy demanded. This the abbot refused to do, sending only the same reply as before, namely, that an appeal to the pope in person had been lodged against these demands. At the Curia, Friar John represented that St. Alban's was the only place among the abbeys of England which would not obey the pope. Counter representations were of course made, and, after long delays, the amount demanded was reduced to two hundred marks, but the whole business, with expenses, cost the convent three hundred marks sterling.[1] Apparently before the close of the year 1247 the somewhat irregular papal mission of Friar John came to an end; and Innocent IV dispatched one of his chaplains, named Marinus, with the powers of a legate residing in England, who was to forward to the Curia

[1] Matthew Paris, iv. 617-622.

whatever money he could secure out of the sums declared to be due. The historian, Matthew Paris, says that the people nicknamed him "another Martin," in recollection of the official who a few years previously had won for himself such an unenviable reputation, and who was forced to retire somewhat hastily from the country. This name of Marinus, "the sailor," suggested also the popular saying at the time, that he was "a fisher rather of men's possessions than of their souls." This delegate was not called by the title of legate, though he was armed with all the powers of one, and in this way he was in reality able to effect more in the business for which he had come.[1]

On 9th February, 1248, parliament met in London. The chief work before it was the consideration of the financial condition of England. The country was undoubtedly being more and more impoverished by the constant drain made upon its resources. The archbishop of Canterbury was still away, but the meeting was attended by Walter Gray, the archbishop of York, and by eight other bishops, besides many abbots and other prelates. The straits to which the king was now reduced were little short of desperate, and he was forced to apply to his subjects for money to carry on the business of the State. Parliament, however, was in no mood to grant him any relief without some security for better government. The nobles reminded him that the last time he appealed to them he had promised by charter not to do so again; they blamed him for bringing over his foreign relations and friends, and setting them in places which should be filled by Englishmen. They complained that he allowed his subjects to be impoverished by arbitrary exactions and impositions, and that he had kept Sees and abbacies in his hands, in order to enjoy their

[1] Matthew Paris, iv. 617-622.

revenues during the vacancies. Henry was repentant, and once again he promised that all complaints should be redressed; but even this did not satisfy the meeting. His counsellors had bitter remembrances of broken promises. The past brought visions of a similar future, and so they agreed to grant no pecuniary assistance until the 8th of July following, and thus to allow a six months' trial of the king's good dispositions. They promised that if during that period Henry would act up to his professions, they would then be disposed to give him all he asked of them.[1]

When on 8th July, the day appointed, parliament again assembled, the members fully believed that the king would be prepared to show himself amenable to the reasonable wishes of his subjects. They were, however, quickly undeceived. Henry at once declared his unwillingness to be dictated to by his subjects, or to be bound by any conditions which they might wish to impose upon him. It was his place, he said, to rule, theirs to obey: "the servant is not above his lord nor the disciple above his master," he said (quoting St. Matthew's gospel), "and I should not be your king, but a mere slave, if I were to bow in this way to your will."

Parliament, notwithstanding the royal attitude, was firm in its refusal to grant the money without the promised reforms, and so the king hastily dissolved the assembly. The money asked for was, however, now imperatively necessary. To obtain it, Henry sold his plate and jewels to the City of London, but apparently with the secret design of some day or other recovering his valuables from them. Pope Innocent IV chose this moment to remind the king that the annual English tribute of a thousand marks to the Holy See was now due, and to ask that it might be paid over to

[1] Matthew Paris, v. 6-8.

the Knights Templars at Lyons, from whom he had borrowed the sum in anticipation.[1] At this same time, also, the pope was actively stirring up the bishops of Lincoln and Worcester, who were his agents in the matter of the crusade, to see that proper collections for this purpose were made in the country.[2] Henry, however, had already come to an understanding with the pope. On his promise to take the cross, which he made in the summer of 1247, he had requested the Holy Father to allow him, towards the necessary expenses of his preparations for the crusade, the various sums collected in England for the purpose; and Innocent IV had replied by praising the king for his "true faith and devotion towards his mother the Roman Church, which he had so often experienced," and by promising to write to the bishops of Lincoln and Worcester on the matter.[3] This the pope did the same day, announcing that Henry was to start within a year after the French expedition had sailed, and telling them to satisfy their king as to the payment to him of the collections for the Holy Land.[4] At Henry's request the pontiff wrote also to St. Louis of France and to Queen Blanche, begging them to allow Guy, son of the earl of March, to be freed from his promise to go with the French force, as it was proposed to make him leader of the English crusaders.

Although at this period the number of presentations of foreigners made by the pope to English benefices was comparatively few, they were still sufficiently numerous to keep the popular attention fixed on the subject. Archbishop Boniface, writing from the Curia to Bishop Grosseteste, passed on to him a papal command to find a benefice

[1] P.R.O. Papal Bulls, Bundle liii. No. 3.
[2] *Registres d'Innocent IV*, i. No. 3,838.
[3] *Ibid.*, No. 4,054.
[4] *Ibid.*, No. 4,055.

or benefices, with or without the cure of souls, to the value of three hundred marks, for Robert, son of the duke of Burgundy. "Though we are bound," says the pope's letter, "to desire to provide for all who ask this favour from us, we are more constrained to have a special care for those who are sprung from a noble stock, when they have merited our Apostolic gratitude by their true devotion." Remembering therefore the true and sincere service shown to us and the Roman Church "by the duke of Burgundy, we desire to give him a proof of the love we bear him, by extending our service to his children also." For this reason Archbishop Boniface was ordered, under severe censures, to find the youth a suitable benefice in the province of Canterbury; and he, in his turn, forwarded the order to the bishop of Lincoln; and, under similar penalties, he prohibited him from conferring any benefice whatsoever in his diocese on any individual, until this command of the pope has been carried out,[1] and the son of the duke of Burgundy had been comfortably provided for.

An interesting question on the subject of episcopal elections was raised in the early part of 1248. The previous year the bishop of St. Asaph died, and the Chapter unanimously elected their dean in his place and sent representatives to Lyons to obtain the confirmation of the archbishop, who was then in the Curia. The pope, however, took the matter into his own hands, probably because the powers of confirming suffragans were given to the archbishop of Canterbury only when in England. He appointed the cardinal-bishop of Albano to examine and confirm the elect, if the examination was satisfactory. The cardinal, however, referred the matter again to Archbishop Boniface, before whom the proctor of the English king entered a pro-

[1] *Additamenta*, 149.

test against the confirmation, on the ground that the royal assent had not been obtained before the election. On this plea the business was adjourned, to enable the king's representatives to prove this right before the officials of Canterbury. This was not done, even after repeated warnings, and finally the pope directed the archbishop to confirm the election, whether the royal assent should have been asked or not.[1]

Innocent IV was at this time evidently inclined to insist upon his right to present foreigners to English livings, however unpopular the exercise of the right might be. In 1248 he appointed the dean of Wells to act on his behalf in compensating a Roman cleric for not having received institution to a benefice to which he had been provided. Two years before, 15th January, 1246, John Asten, papal sub-deacon and chaplain, had been granted a prebend in the diocese of London, which had formerly been held by another Roman, lately dead, and the bishop of London was directed to install him.[2] This the bishop had refused or neglected to do; and so, in July 1248, the dean of Wells was ordered to deal with the matter, and to grant to John Asten out of the revenues of the See of London an annuity equal to the value of the prebend at St. Paul's.[3]

At Abingdon trouble came from the same cause. The abbot had received from the pope an order to provide a Roman ecclesiastic with a suitable benefice. The foreigner in question, not wishing to take any living, waited patiently until the best vicarage at the disposal of the monks, that of St. Helen's, Abingdon, fell vacant, when he claimed it by virtue of the Apostolic grant. The same day the abbot received a request, that was virtually an order, from the

[1] *Registres d'Innocent IV*, i. No. 3,669.
[2] P. R. O. Papal Bulls, Bundle xx. No. 44. [3] *Ibid.*, Bundle xix. No. 29.

king, that the living should be given to his half-brother, Aethelmar. The community, when consulted, considered that the better course would be to please the king, and they bestowed the benefice as he desired. The Roman ecclesiastic, however, was far from pleased that his claim had been set aside, even at the king's desire, and he complained to the pope, who at once ordered the abbot to appear personally before him at Lyons. At first the abbot, John de Blomerie, hoped to secure the king's protection for himself and his convent in this matter, and, as he was a very old man in infirm health, trusted through Henry's influence to be allowed merely to send proctors to represent him. But the king, having got what he wished, had no desire to help the abbot, who was obliged to make the journey to Lyons. At the Curia, after long delays, and at considerable cost to the abbey, it was decided that the Roman ecclesiastic was to be consoled for his disappointment by receiving an annuity of fifty marks out of the abbatial revenue.[1]

The year 1249 was begun by the king's exaction of large sums of money from the London citizens under the title of New Year's gifts. He suspended their right of holding a market in favour of a new one he set up at Westminster, but offered to allow them to purchase a new grant by the payment of two thousand marks. At the same time he invited many of the nobles to come to Westminster at the Epiphany to keep St. Edward's feast, which this year was celebrated with great pomp. As he could not get them, as a body, to consent to give him the money he needed, he applied to individuals, representing his poverty, and that he was bound to meet at once a debt of thirty thousand marks. He appealed also to their patriotism, representing the need of recovering lost possessions in France.

[1] Matthew Paris, v. 39-40.

As it was known, however, that the pope had prohibited him from in any way attacking the French king's possessions whilst he was away on the crusade, this suggested reason for requiring money only raised a smile. In this design for extorting assistance, therefore, Henry did not succed, although it was hinted somewhat mysteriously that the pope's representative, Master Albert, had received papal powers to place England under an interdict if the people still rebelled against the royal demands.

Failing with the nobility, the king next turned his attention to the religious houses, and endeavoured to obtain the much needed money as a present, or at any rate as a loan, from various abbots. Early in 1249, whilst on the road to Huntingdon, he sent for Ranulf, the abbot of Ramsey, and earnestly begged him to give him a hundred pounds, or at least to lend him the sum. "I am really in want," he said, "and I must have money at once." The abbot, taken by surprise, was forced to raise the money at heavy interest from the Florentine usurers. In the same way he tried the abbot of Peterborough, declaring that no beggar needed help more than he, their king, did. Abbot William, however, knowing the pecuniary condition of his house, was firm in his refusal to burden it still further with debt; but from the abbot of St. Alban's, by similar complaints as to his poverty, he obtained sixty marks. This success, with these and other abbots singly, emboldened Henry to demand a general contribution from all the religious houses in Essex and Hertford. He wished, he wrote, to test the friendship of his devoted and faithful subjects, by asking their assistance to enable him to protect the rights of his kingdom; and, as the truce between England and France was at an end, it was necessary to endeavour at once to recover the ancient possessions of the

Crown beyond the seas. To do this would entail great expenses, and he consequently had turned to them, and had sent Simon Passelew with the sheriffs to explain his needs and to collect what they would no doubt "so abundantly offer to him, as to deserve his royal thanks and great reward." At the same time it was known that the money was not required for the purposes he had named, but to pay the debts he, contrary to his promises, had incurred in Poitou and Gascony,[1] since the truce between the kings of England and France had been prolonged.[2]

On 23rd January, 1249, the pope issued another Bull concerning those royal estates which had at any time during his reign been granted away. It was couched in almost identical language to the one previously issued on the same subject to the nobles and prelates, and authorised the king to make a resumption of all such Crown possessions, notwithstanding any previous promise.[3] At this time, Archbishop Boniface was about to return to England in order that his long-delayed enthronisation at Canterbury might at last take place. A letter from the pope, giving him power to reward some of his clerks with benefices in any part of his province except in the dioceses of Lincoln and Salisbury, marks his departure from the Curia.[4] A warning in the same year, addressed to the prebendaries of Chichester, shows that the archbishop intended to enforce, to the fullest extent, rights which had been given him by the pope, in regard to the first fruits of all English canonries. On the death of a prebendary, it had been the custom, approved of by more than one pope, that the first year's revenues should be divided, one part going to the prebendary newly appointed, and the other to the cathedral church. On re-

[1] Matthew Paris, v. 49-53.
[2] Rymer, i. 209.
[3] *Registres d'Innocent IV.* ii. No. 4,393.
[4] *Ibid.*, No. 4,496.

ceiving notice of the papal gift of the first year's income for seven years to the archbishop, the canons of Chichester had concluded that this only applied to the half, which under ordinary circumstances would have gone to the new prebendary, as they considered that the other half already belonged to the cathedral fabric, with the sanction of previous popes. They were now undeceived; and they were threatened with extreme spiritual penalties unless the whole sum was paid to the archbishop in order to extinguish the debts of his See.[1] On All Saints' day, 1249, the archbishop was enthroned in the presence of the king and queen and most of the English prelates.[2] He had been elected in 1240, confirmed by the pope in 1245, and now, after nearly nine years, and when already his predecessor, St. Edmund, had been canonised for more than two years, at length took possession of his See.

[1] Wilkins, i. 696. [2] Matthew Paris, v. 80.

CHAPTER XVI

ARCHBISHOP BONIFACE

ONE of the first acts which the archbishop of Canterbury on taking possession of his See was called upon to do, was to circulate a letter addressed to him and his suffragans by the pope on 24th September, 1249. This document dealt with the troubles and afflictions of the Church, caused not only, as the pope said, by those that had not the faith and did not acknowledge the Church as a spiritual mother, but even by those who had been received into its bosom by the regenerating waters of baptism. It then pointed out the sorrow which the continued revolt of the emperor Frederick against papal authority had given to the heart of the supreme pastor, and expatiated upon the serious state of affairs in the Holy Land. For all these reasons the pontiff urged the faithful to unite in prayer, that God might remedy the ills from which the Church was suffering.

Early in the year 1250, the king again applied to the pope to force the ecclesiastics of England to give him substantial assistance. On 13th April, Innocent IV replied that he rejoiced to hear that Henry was getting ready "with power and might, and, moved with zeal for the faith and devotion," was preparing to come to the help of the Holy Land. "As this business necessitates great expenses," he writes, "previously and now again, you have asked me to grant you a tenth of all the ecclesiastical revenues of your kingdom and of other lands subject to your juris-

diction." Although most desirous to do what you ask as far as possible, it is to be remembered that we did not grant this to the French king, after he had taken the cross, until he had first obtained the consent of the prelates of his kingdom. Wishful, however, that you should obtain the tenth, we have asked the prelates of your kingdom to act as liberally and willingly in what you desire, as those of France have done. They have replied, asking us "to provide for you generously out of the ecclesiastical revenues of the kingdom for so important a business, which is pleasing and acceptable to us." It was necessary, however, so as not to forget the duties of the office which has set him over all the Lord's flock, he continued, to point out to the king a danger which threatened all Christendom. The French king and his brothers were already away; and, as by the two nations of France and England the Christian religion was chiefly sustained, it might be a real danger should Henry also now be absent from his kingdom. It would possibly therefore be better that he should delay his expedition. "But," continues the pope, "whatever you shall determine as to this, it has been necessary for you, in order to carry out the design, to incur expenses; and, as holy mother the Church should encourage and as far as possible assist your Majesty's praiseworthy design, we have thought proper to grant your Highness for three years a tenth of all the ecclesiastical revenues of your kingdom and of all other lands subject to your jurisdiction, to assist you in the expedition to the said Holy Land. We have given orders to our brethren, the archbishop of Canterbury and the bishop of Hereford, to hand over the tenth to you without delay or without any deductions, when it is collected and when you wish to begin your journey over the seas."[1]

[1] Rymer, i. 272.

A few days later, on 24th April, Innocent IV addressed an urgent letter to some of the bishops of England and to the provincials of the Franciscans and Dominicans, urging them to exhort the English people, whom he calls the *Strenui Angliae pugiles*, *Domini athletae divini*, to take up the work of the crusades with enthusiasm. Great Indulgences were promised to those who would promise to go and would pay their own expenses, or would furnish others in their places, or would devote a quarter or half of their revenue to this purpose. Other Indulgences are promised to such as contribute a tenth of their income to the expenses of the king, or are willing to help those who are appointed to preach the crusade. If any crusader is in the hands of usurers, the ecclesiastical authority is to be invoked to force the money lender to desist from requiring the excessive interest, and if he has already been compelled to pay, the same authority is to force the usurer to restore it. If the money lender was a Jew, and so not amenable to spiritual censures, the faithful are to be prohibited from holding any intercourse with him until he has complied with this direction. Then, after giving the bishops named in the Apostolic letters to preach the crusade, ample powers to deal with special cases as they rose, the pope directs them to pay whatever sums they collect to the king, when he was ready to start on his expedition, except when he, the pope, should otherwise direct.[1]

A day or two later, Innocent IV sent a further letter to the archbishops of Canterbury and York and to the bishops of Hereford, Ely, and Durham, concerning the payments to be made out of the ecclesiastical revenues to the king. With their consent, he said, he had granted Henry a tenth of their revenues for three years. These bishops were to

[1] Rymer, i. 273.

collect this tithe and to keep it safely, until the English king, having taken the oath, was ready to begin his journey, when they were to pay over to him the tenth for two years and all sums obtained for the dispensation of crusading vows.[1]

As the year went on, any doubt that the pope may have entertained as to the inadvisability of Henry's starting on his crusade seems to have disappeared, and he wrote to him urging him not to delay his departure for the Holy Land.[2] The payments of the tithe of ecclesiastical revenues to the French king hardly seem to have been more readily made in that country than they were in England. Pope Innocent IV had held up the example of the foreign ecclesiastics to induce those of this country to emulate their generosity to their sovereign; but it was rumoured over here that the French king, St. Louis, had obtained the papal sanction to receive this subsidy from the church revenues of his country, only on condition that after the three years, for which this grant was made, the pope might be allowed to take a similar tithe from French benefices for his war against the emperor Frederick. Whether this arrangement was made or no, when the French monarch had received his portion for three years he refused to allow any further sums to go into the papal exchequer.[3] In England, however, it was also with reason suspected that there was some arrangement between Henry's agents at the Curia and Innocent IV, and that once the process of levying large sums upon the ecclesiastical revenues had been initiated with success, it would be continued, sometimes for the needs of the pope, sometimes for those of the king.

With the beginning of the year 1250 the strained rela-

[1] Rymer, i. 274.

[2] P. R. O. Papal Bulls, Bundle xix. No. 21.

[3] Matthew Paris, v. 171.

tions between Bishop Grosseteste, of Lincoln, and the religious of his diocese reached the breaking-point. On 13th January, 1250, the religious superiors met, by his direction, at Leicester, to hear the tenor of a papal Bull regarding them, which he had obtained from the pope, through his clerk, Master Leonard, who having often been at the Curia, knew the ways by which such instruments could be secured.[1] The document was short, but of great importance to the regular orders of the great Lincoln diocese. It was dated on the 17th of May previously, and it simply declared that the bishop had informed the Holy See that many monasteries and other religious places were in possession of impropriated churches and other ecclesiastical benefices and tithes, for which they could not show the consent of the Lincoln Chapter; and that by this letter Grosseteste was empowered to take all these possessions from them.[2]

An appeal to the pope followed as a matter of course; the cause being supported by all the religious bodies. As all the impropriations had necessarily been made by the original patrons of the livings, with the sanction of the Curial authorities, it was difficult to understand how this sudden and general revocation could have been obtained from the pope without examination into a matter affecting the interests of so many. It was evident, however, that every effort would now be needed on the bishop's part to prevent a revocation of the document, and he himself set out to Lyons to support his own case. After working strenuously for some time in the Curia, it was made clear to him that it was impossible to uphold the document in question, and that the appeal of the religious bodies against him would be successful. In an interview with

[1] Matthew Paris, v. 96.

[2] *Additamenta*, p. 152.

Innocent IV, the bishop expressed his strong disappointment at this failure in a matter which he thought he had secured, and which he had so much at heart.[1] He fared no better in another cause, in which the king had appealed to the pope against his action. It appears that Bishop Grosseteste had summoned the sheriff of Rutland to answer, before his ecclesiastical court, for neglecting to capture the person of an incriminated clerk. On the king being applied to on the matter, he strongly resented the bishop's action in dealing in so high-handed a way with the representative of the Crown in that part of the country. The case was laid before the papal officials by the king's agents at Lyons, and Pope Innocent forbade the bishop henceforth to summon the royal bailiffs to answer for a secular matter before ecclesiastical courts.[2]

It was not until September that the bishop of Lincoln returned from Lyons to his diocese. His action had cost him much money, but the defence of the religious had impoverished them also; and in view of the many difficulties which were apparently at hand through the reversal of his policy by the supreme authority of Pope Innocent, Grosseteste seriously thought of resigning his See and devoting the remainder of his life to study. He was turned from his project, however, by remembering that the king was wont to impoverish bishoprics which fell into his hands, and by appointing also unworthy clerks to benefices falling vacant before the appointment of a successor. The idea of seeing this done in the case of Lincoln on his resignation was altogether too repugnant to him to permit him to carry out his purpose. Moreover, as he says in a letter written at this period to his clergy, the pope intervened, and his was "an authority, to disobey

[1] Matthew Paris, v. 97. [2] *Ibid.*, 109.

which would be considered wicked; and that authority, which withdrew us for a time from your presence, interposed, and prevented our carrying out our design."[1]

In this same year, 1250, when the process of levying the tax on all the benefices of the Canterbury province imposed by the pope to pay off the debts of the archiepiscopal See was being pushed forward, Henry interfered to protect his royal chapels. A synod was gathered at Oxford in the April of this year, and the king sent his prohibition to the bishops against attempting to claim the sums required. The royal chapels had always asserted their absolute immunity, and "no lord pope nor any archbishop" had ever claimed power over them. They were not to try and obtain this tax by any means, and the king wound up his prohibition with the following: "We warn you," he says, "not to be talebearers or accusers of us to the Apostolic See, or anywhere else, as to matters pertaining to our rights and liberties, as you desire to avoid our indignation and keep the fealty you have sworn by oath."[2] The same day he wrote a special letter on the same subject to the bishop of London, who had been endeavouring to secure payment from the royal chaplains. It is not to be allowed, King Henry says, and I will look upon any attempt to enforce the papal grant to enable the See of Canterbury to get rid of its debts, as "a grave injury and insult to the royal dignity," and this is to apply to all the livings or prebends they hold.[3]

Archbishop Boniface had not been many months in England before his views as to the extent of the archiepiscopal authority led to considerable friction with his suffragan bishops. He appears to have claimed universal

[1] Grosseteste, *Epist.* 49. [2] Wilkins, i. 697.
[3] *Royal and other Hist. Letters*, ii. 60.

powers of visitation in any diocese of his province. Bishops, abbots, the clergy and laity were all declared subject to canonical inquiry at his hands. He began with his own monastic Chapter, and soon caused them to regret the rule of his predecessor, St. Edmund, whom in his lifetime they had regarded as so stern and unbending. From Canterbury he went to Faversham and Rochester, requiring from each place such considerable sums of money in payment for the expenses of his visit, that it created a suspicion that this was one of the chief causes for his increasing activity. On 12th May, 1250, he reached London, and at once declared his intention of making a formal visitation of the bishop, of his Chapter, and of the religious houses within that jurisdiction. He took up his abode at the palace of the bishop of Chichester as if he were the master, and his servants went into the city and took possession of what food his household required as if they were purveyors to the king himself. The next day he made his visitation of Bishop Fulk, attended by a small army of a hundred armed men besides his clerks, for all of whom the bishop was called upon to find meat, drink, and lodging. Boniface then proceeded to St. Paul's with the intention of forcing his claims as to visitation upon the Chapter of the cathedral. Here he encountered serious opposition, the dean and canons appealing to the Holy See against his pretensions to the possession of rights which had never been exercised before. The demands for admission were met by absolute refusal, and Boniface of Savoy retaliated by excommunicating the entire Chapter.

The archbishop then turned to the religious houses of the city, in the hopes that in them he should experience less opposition to his designs. His first essay was made at

St. Bartholomew's, the priory of canons of St. Augustine, in Smithfield. The prior was absent, but the sub-prior resolved to receive him with every honour, and he with the whole community, vested in copes, led him to the church in solemn procession. This was not exactly what Boniface desired, and he let them know that he had come to make a formal and canonical visitation. They at once declared their resolution not to accept him in that capacity, which so angered him that, if we are to credit the historian, the archbishop so far forgot himself as to raise his hand against the aged sub-prior, calling him and his brethren "English traitors." His action led to a general brawl, in which many of the canons were illtreated and wounded by the armed retainers of the archbishop. Acting upon the advice of the bishop of London the canons appealed, but without success, to the king, who was then at Westminster. Henry, in spite of the angry protests of the citizens of London, and their threats of violence against the archbishop for the injury done to the canons of St. Bartholomew's priory, without hearing the aggrieved parties, promised to defend the archbishop and his acts, both against his own subjects and before the Holy See. Under cover of this royal protection and favour, Boniface made another attempt to visit the priory of Holy Trinity, but was again unsuccessful. Upon this, recognising that success was impossible, in his chapel of Lambeth he publicly renewed his sentence of excommunication against the dean and Chapter of St. Paul's, and included in it the canons of Smithfield and the bishop of London, as their sympathiser and defender.

From London the archbishop of Canterbury retired to his house at Harrow, with the ultimate intention of asserting his right of visitation in the case of St. Alban's, seven miles from this manor house. On the advice of friends,

however, he desisted, and at once made preparations for a journey to the Roman Curia, which was necessitated by the appeals which had been laid before the pope against his actions. The dean of St. Paul's, accompanied by other proctors of the bishops and of the canons of Smithfield, started almost immediately for Lyons, where the papal court was still located.[1]

Archbishop Boniface desired to take the Franciscan, Adam Marsh, to the Roman Curia as his companion and adviser. Friar Adam was apparently not only an admirer and friend of the archbishop, but a firm believer in the good work likely to be done by the general visitation of the province of Canterbury, thus unhappily begun at Rochester and in London. He would gladly have accompanied Boniface to the Holy See, to assist him in the appeals which had been lodged against him, but he was unable to leave England at the time; and in writing his regrets to Bishop Grosseteste, who was then at the papal court, he expresses his hope that at any rate at Lincoln the archbishop may experience no sort of opposition.[2] In another letter on the same subject Friar Marsh seems to suggest that Grosseteste might himself proceed to the Curia in his place and help to defend the archiepiscopal rights.[3] Grosseteste, however, did not quite take his friend Adam Marsh's views, and he wrote to the archbishop begging that the suspension and excommunication pronounced at Lambeth against the bishop of London might not take effect until after the bishops of the Canterbury province had met to consider the situation.[4]

Meanwhile the bishop of London had taken counsel with the abbot of St. Alban's. In a letter written at this

[1] Matthew Paris, v. 119-125.
[2] *Monumenta Franciscana*, i. 131.
[3] *Ibid.*, 163.
[4] *Ibid.*, 166.

time he tells the abbot that the rights and privileges of all in the province of Canterbury are in jeopardy, if the action of the archbishop should be upheld by the Roman authorities. He forwards a copy of the decretal, upon which the archbishop had relied for his authority, and requests the abbot's opinion upon the matter.[1] The document in question emanated from the then pope, Innocent IV, and certainly gave ample powers of visitation: nor was the right confined to an examination of the greater churches and monasteries; but at the will of the archbishop he could extend his visitation to parochial churches, and examine not merely clerics but the laity also. Some of the provisions of this papal grant are curious: the archbishop was not to begin any visitation of the diocese of a suffragan until he had visited his own Chapter and diocese, and he was not to make a second visitation until he had visited every other diocese of the province. Though allowed by this decree to receive support for his attendants, no fees were to be exacted; and all presents, even if voluntarily offered, were to be refused.[2]

The bishop of London, acting it may be supposed upon the advice he received from St. Alban's, since the answers are entered in the register of that monastery, asked for an authenticated copy of the papal decree, which was refused. He then applied for an appointment of a joint commission to adjudicate on the matters at issue between the archbishop and himself, pledging himself to abide by their decision; and, in case of disagreement, to lay the whole matter before the pope and "await his settlement." As an alternative course, it was suggested that the bishop should ask the archbishop to withdraw his sentences and suspensions, in view of the appeal made to the Roman Curia,

[1] Matthew Paris, v. 125-126. [2] *Additamenta*, 188.

and pending any authoritative declaration to desist from any attempt to visit churches and religious houses in other dioceses but his own. Meanwhile the archbishop was urged to summon all his suffragans, including the bishop of London himself, in order to discuss the whole question with them. If this were done, the bishop pledged himself to abide by the view of the majority. Finally, as a third course, the bishop might reasonably ask that all sentences be removed until the pope had finally determined the cause, and that in the meantime the archbishop might, if he chose, proceed to visit the other bishops and dioceses within his province.[1]

Archbishop Boniface left England for the Roman court in May, 1250, to support his cause against Henry of Cornhill, dean of St. Paul's, and others.[2] About Michaelmas Bishop Grosseteste returned to England from the Curia, having failed to secure his own wishes in regard to the matters which had taken him thither. He warned his brother bishops of the efforts being made by the archbishop of Canterbury to secure powers over them, which would seriously militate against their privileges and interfere with their proper jurisdiction. This report being confirmed by their own proctors at the Roman court, the suffragans of Canterbury agreed to collect money to fight their common cause. As the archbishop claimed to visit the whole province, and required "a procuration from all the clergy of every diocese," it was the business of all to resist such a pretension, and so every benefice was taxed to furnish the funds necessary to support efficaciously their objections before the Curial judges.[3] Meanwhile, the case was being considered. The archbishop was, fortunately for himself, able to eliminate the very unpleasant incident of

[1] *Additamenta*, 190. [2] Matthew Paris, v. 138. [3] *Ibid.*, 186.

his attempted visitation at St. Bartholomew's. He persuaded the canons, who were poor, to withdraw their complaints, promising them his favour and protection if they would leave their cause "to God and St. Bartholomew."[1] The general case dragged on until Advent, when, on 27th November, the pope decided against the archbishop. On that date Innocent IV issued a Bull, addressed to the dean of London and others, in which, after reciting the circumstances of their refusal to admit the right of the archbishop to visit the cathedral church and Chapter of London, and their consequent excommunication by him, the pope declared the sentence null and void; adding, that he could not accept the version given before the Curia by Boniface, that he had not excommunicated the Chapter for refusing to admit his right of visitation. In proof of this, the Bull quotes the words of the original letter of excommunication.[2] This document was accompanied by papal letters addressed to the abbots of St. Alban's and Waltham and others to promulgate this decision in England.[3]

A few days later, on 11th October, a similar decision was given in the case of the Augustinian canons of Holy Trinity priory, and the same commission of abbots was charged with the duty of making known the fact that the archbishop had no power to excommunicate them, and that from the first the sentence had been null.[4] A few weeks later again, the case of the bishop of London was settled in the same manner, and on 8th November the prior of the Dominicans was ordered to declare all the censures pronounced publicly against him null and void.[5]

[1] Matthew Paris, v. 188.
[2] *Registres d'Innocent IV*, ii. No. 4,864; cf. *Additamenta*, 197, *seqq.*
[3] *Ibid.*, No. 4,865.
[4] *Ibid.*, No. 4,887-4,888; cf. Rymer, i. 275.
[5] *Ibid.*, No. 4,910. Matthew Paris (v. 206), seems to write as if the bishop

In these cases, however, the pope expressly dealt only with the question of the archbishop's rights to excommunicate and censure. No decision was arrived at in regard to his powers of visitation: in fact this point was specially reserved for future argument.[1] So Archbishop Boniface remained on at Lyons, hoping at least to secure this right, as Bishop Grosseteste had obtained from the same pope a similar victory over his canons at Lincoln, who had refused to admit his powers of visiting them. He brought every influence to bear upon the Curial authorities and induced King Henry to write to the pope on his behalf, expressing his royal wishes that Innocent would favour the archbishop in his great struggle with the bishops of England generally, and with the bishop of London and his canons in particular.[2]

The dean and Chapter of St. Paul's, in virtue of the papal decision, had been formally declared free of all excommunication and censure by the appointed commissaries. In a short time, however, on different grounds, they were again excommunicated by the archbishop's official and cited to appear once more before the Roman courts. The scandal of such a proceeding was so apparent, that the canons appealed at once to the bishops generally to protect them, and to make common cause with them, as their own privileges might at any moment be attacked in a similar way. The king, however, continued to support the archbishop, whose election he had of course secured, and who was his queen's uncle;[3] but still, in

was absolved only on his submission to the archbishop; but the papal register shows that he was absolved by the pope in the same way as the canons, etc.

[1] Matthew Paris, v. 275.

[2] *Ibid.*, iv. 205.

[3] *Ibid.*, 207.

spite of this, the bishops determined to embrace the quarrel of the London Chapter. On 24th February, 1251, in the absence of the archbishop, who was still working in the Curia for his cause "with all his might and more," as the chronicler puts it, the bishops, with Grosseteste amongst them, met at Dunstable to consider the acute situation and to devise some immediate remedy. After careful deliberation they chose a proctor to go at once to the Curia to oppose the archbishop, and gave him power to draw upon them to the amount of four thousand marks for his expenses. The advent of this agent soon changed the situation in the papal court. It was hinted to the pope that the archbishop really wanted money, and that he had already taken from the English church revenues more than the eleven thousand marks which had been granted to him by papal authority. Pope Innocent thereupon put a stop to all proceedings, until such time as further inquiries had been made, and he promised to do justice to both parties. Moreover, as he was now at Perugia, far away from Lyons and all the Savoy influences, he made no secret of his having in the past been compelled by the archbishop of Canterbury and his brother Philip, the archbishop-elect of Lyons, to grant many things of which he had not really approved.[1]

Nothing more, apparently, was done in this matter for more than a year, and the principle remained undecided. Although Boniface did not continue at once to press his right of visitation in any suffragan diocese, he still worked in the Curia to gain his cause. The debts of the archiepiscopal see were still a heavy burden upon him, and in 1251 the pope appointed Cardinal Hugo to investigate the claims of his creditors and to consider what could now be

[1] Matthew Paris, v. 225-226.

done, whilst bearing in mind what had already been attempted by the Holy See to relieve the archbishop, and how unpopular had been the levying of taxes for this purpose upon ecclesiastical benefices generally. As a result, on 1st August Pope Innocent IV issued a commission to the deans of Wells, Chichester and Hereford, ordering them to raise another 12,000 marks in the same way as before from the clergy.[1] Archbishop Boniface still continued to remain absent from his See; and in fact he did not return to England until the end of 1252. By this time he had succeeded in obtaining a decision in his favour on the question of the metropolitan right of visitation, for on 22nd April, 1252, Innocent IV decided that the archbishop possessed powers to visit the cathedral Chapters and religious houses of dioceses other than his own; and he at once communicated this judgement to the canons of St. Paul's and to the London Augustinian house of Holy Trinity.[2]

Meanwhile the pope was looking for some result from the crusading movement in England. The ill-success of the Christian forces in the Holy Land at this time made him anxious that King Henry should redeem his promise of personally heading the English forces. Throughout the year 1250 Innocent IV was writing on the subject; he granted him a tithe of all ecclesiastical benefices for three years towards his expenses; and he authorised the bishops, for two years from the time he began his expedition, to pay over to him all sums of money, for which those who had taken the cross compounded for absolution from the crusading vow; as well as other sums of money, such as the residue of all intestate estates, etc., which

[1] *Registres d'Innocent IV*, iii. No. 5,447.
[2] *Ibid.*, 5,670-5,679.

by papal order were to be devoted to the purposes of the crusades.[1]

Henry understood that this grant was not to be interpreted as referring merely to England, and he wrote to the archbishop of Dublin to let it be known far and wide in Ireland. "The supreme pontiff, the Vicar of Jesus Christ and successor of the blessed Apostles Peter and Paul," he says, "has done not only what was necessary, but what was proper in regard to the business of the holy cross, the sign of which we bear upon our shoulder." And that the Irish bishops might understand what the "special favour" granted by the supreme authority is, he forwards the papal letters by the hands of the prior of Holy Trinity, Dublin.[2]

In the same way the king endeavoured to secure similar contributions from the Church of Scotland. He so far succeeded with the Roman authorities as to obtain a letter addressed by the pope to the bishop of St. Andrew's, ordering that legacies, gifts and monies paid for the redemption of the crusading vows should be delivered to the king of England to help him to set out with a force worthy of his dignity, if and when the expedition should start.[3] The last clause sounds the first note of suspicion as to the genuine nature of the undertaking, which afterwards found an echo in subsequent documents, and it will be noted also, that the pope does not suggest the payment of any tithe on Scottish benefices to the English king. As might be expected, the king of Scotland was not slow to protest against this grant of crusading money, collected from the Scotch people, being handed over to the English king; and his protest was so far successful that Innocent IV,

[1] Rymer, i. 274. [2] *Ibid.*, 274.
[3] *Registres d'Innocent IV*, ii. No. 1,250.

whilst maintaining his right to make the disposition complained of, declared he had no wish that the crusaders in that country should not also receive grants from those sums.[1]

In England and Ireland rumour had it, apparently, that the king intended to exact from all who sought to free themselves from the obligation of the crusade much greater sums of money than they had agreed to when assuming the cross. "They were filled with fear where there was nothing to fear," he said in a letter intended to allay the alarm; and, consequently, to put a stop to these reports, which seemed likely to prevent men seeking absolution and thus pay the money, which he chiefly looked to, he sent these letters to all parts, declaring that he had no such intention.[2] As time went on, and Henry showed no greater desire to prepare for the expedition than was manifested by his wish to secure the money granted him for the purpose by the Holy See from the ecclesiastical revenues of his kingdom, the pope issued another general letter of exhortation. The situation in the Holy Land was grave, and he urges all prelates to exhort those who had taken the crusading vow to redeem their promises quickly. He reminds clerics of the duty imposed upon them by the General Council of contributing the twentieth part of all their benefices, during three years, to the expenses of the expedition against the infidels. He invokes the spiritual power of excommunication and anathema against all who assist the Saracens with arms, ships, engines of war, or money; and he concludes by granting the highest spiritual privileges to all who take part in the holy war. This he does, he adds, "relying on the mercy of the Almighty God, and upon the authority of the

[1] Rymer, i. 278. [2] *Ibid.*, i. 278.

blessed Apostles Peter and Paul, and the power of binding and loosing which God has bestowed upon us, though unworthy."[1]

In March, 1252, the pope sent further letters to his collectors in England, again warning them to pay over to the king monies received for the redemption of crusading vows, as Henry had complained that he had not received what he ought to have done. At the same time, being pressed to assign a period when the English expedition would set out without fail, the king met his council at Eastertide and fixed the end of another four years as the limit; but he added, that "if the illustrious king of France would restore the lands taken from our ancestors and now held by him," he "would undoubtedly set out earlier,"[2] a condition which, of course, he had no expectation of seeing realised.

[1] Rymer, i. 279.

[2] *Ibid.*, 282.

CHAPTER XVII

AYLMER DE VALENCE, BISHOP OF WINCHESTER

THE long absences of Archbishop Boniface from Canterbury and his continued differences with his suffragans and others on the vital question of his metropolitical rights, did not, of course, tend to the peace and quiet of the Church in England. Other causes of ecclesiastical disquiet were moreover present about this time—the middle of the thirteenth century. Difficulties in regard to some of the episcopal elections in the Canterbury province, complicated no doubt by the abnormal position of the archbishop, caused much friction and many unnecessary delays in filling up the vacant offices. The case of Winchester will serve to illustrate this unfortunate state of affairs. The bishop, William de Raleigh, had been at war with King Henry for some years, and had been nearly a twelvemonth living in comparative obscurity at Tours when he died on 21st September, 1250.[1] When the news reached England the king resolved, if possible, to secure the election of his half-brother, Aethelmar, or Aylmer de Valence,[2] to the vacant See, although he possessed none of the necessary qualifications of age and learning. He

[1] Matthew Paris, v. 179.

[2] Aylmer or Aymer was the youngest son of Isabella, King John's widow, who married, as her second husband, the count de La Marche. After Isabella's death in 1246, Guy de Lusigna, William, bishop-elect of Valence, and this Aylmer came over to England to enrich themselves, their father having failed in his rebellion against the king of France.

was not even in sacred orders, although he was already in possession of various ecclesiastical benefices, from which he derived revenues which equalled if they did not surpass those of the archbishop of Canterbury himself. The choice belonged, of course, to the monks of the cathedral monastery, and Henry's first care was to try, by trusty friends, to induce them by promises of his favour, backed by judicious threats of possible consequences should they fail to oblige him in this, to choose Aylmer as their bishop. The arguments of the royal agents so far prevailed with many, and their reports were so favourable, that within a fortnight Henry considered the ground sufficiently prepared for him to make a personal appeal. He went, consequently, to Winchester, and summoning the monks to meet him in Chapter, took the bishop's place and addressed them at length on the matter he had so much at heart. Whilst princes and the judges of the land, he said, were bound by the principles of strict justice and judgement, monks should be men of peace and quiet, and these qualities of religious men they had shown in listening to his request about Aethelmar. In choosing and supporting their late bishop, William de Raleigh, whom he would not accept, they had been in opposition to him and they could find no better way of purging their faults and obtaining his friendship than by now meeting his wishes in regard to a successor. They had once refused to choose as their bishop William, the elect of Valence, the queen's uncle, when he had begged them to do so; let them now remember his own connection with Winchester, how he was born in the city and baptised in the cathedral, and not act again against his known wishes.

This royal speech, or sermon, to the Winchester monks in their Chapter-house, ended with vague threats of what

would follow, in case they did not do what was thus so forcibly brought to their notice. The electors were in serious difficulties. The memory of their recent troubles and persecutions for refusing to have William, the elect of Valence, as their bishop, was only too fresh, and their loyalty to their first choice had only caused him to die in exile as the result of their conscientious support of him. "The requests of our lord king," they said, "are backed up by the royal power. To resist them is a very grave and formidable thing, and one fraught with danger to our Church." The pope, who is in a very difficult position, gives way to the king in everything, and so in this matter he will take the king's side. If we refuse to elect as is suggested to us, we shall only in the end find ourselves crushed between the two mill stones of the papal and the royal power. Under these circumstances, and trusting that Aylmer would content himself with remaining merely elect bishop, by which were secured to him all the revenues of the See, and not proceed to episcopal consecration, the monks of Winchester chose him conditionally upon the pope being willing to dispense with the canonical objections against him.

Matthew Paris loudly and at length condemns the circumstances which could bring about an election such as that of Aylmer: "Alas! alas!" he says, "men born in this country, who are good, learned, and religious men, are now set aside, and foreigners are thrust into (these positions), who are unworthy of such honours, and who, wholly ignorant of letters and of English, are useless so far as hearing confessions and preaching are concerned—O! Pope, Father of Fathers, why do you suffer Christian lands to be polluted by such abuses?—Above other countries and peoples, England, where, as all the world knows, the Christian faith

flourishes most, is worse treated, and by papal action is despoiled of its possessions and (the fruits of its labours). She gets nothing, whilst she herself is the prey of every plunderer. When did anyone ever hear that an Englishman had any revenue given him in Rome, Italy, Genoa, or other kingdom, whilst those from such places take everything in England."[1]

The infatuation of the king for foreigners generally, and for his uterine brother Aylmer de Lusigna in particular, was fast alienating from the Crown the remnant of loyalty left to it in his kingdom. Before securing this election at Winchester for Aylmer, Henry had, the previous year, 1249, made similar demands, but happily without effect, upon the monks of Durham. They had refused courteously but firmly to be parties to a transaction so detrimental to the interests of the Church. "Lord King and most Christian of kings,"—they said in their dignified remonstrance at his action in this matter—"Lord King, remember the first and chief oath you swore at your coronation. Allow holy Church sometimes to enjoy its liberty, so that we may choose for ourselves, according to our duty to God, the Father and Shepherd of our souls. You know, and all the world knows, that your said brother (Aylmer[2]), is not old enough, and has not sufficient learning, to bear the yoke of so serious a spiritual office."[3]

As already noted, large ecclesiastical revenues had been secured to Aylmer by the king's influence, in addition to the income granted him on his first arrival in England. For example, the cure of St. Mary's, Abingdon, was granted to him by the abbot and convent, at Henry's demand, and

[1] Matthew Paris, v. 185.

[2] He is said in a Bull of Alexander IV, on 30th July, 1255, then not to have reached the age of thirty (Reg. d'Alex. IV, i. No. 686).

[3] Matthew Paris, v. 5.

the king threatened the bishop of Norwich with his grave displeasure, because he had not given to his protégé the living of Dereham. He succeeded better in Durham, where, though he failed in regard to the election to the vacant See, he secured the revenues of the church of Wearmouth, to add to the already large ecclesiastical property held by this favoured foreigner.

The Christmas festivities of 1250-1251 were passed by Henry at Winchester. On account of the vacancy of the See, the temporalities of the See were then in the king's hands. To assert his royal rights he had many of the woods belonging to the bishopric cut down and sold; but, as the chronicler remarks, because Aylmer had been elected to the office of bishop, he held his hand somewhat, and did not impoverish the See so much as he was wont to do in similar vacancies.[1] About the beginning of the year 1251, Henry seems to have contemplated a journey to Lyons, with the view of seeing the pope personally about many matters pertaining to the good of the Church, of which, we cannot doubt, the appointment of Aylmer was not the least important, at the time, in his eyes. Pope Innocent, however, wrote from Lyons on 2nd April, 1251, to say that for the present at least this would seem to be hardly possible, and owing to the difficult circumstances of the times, certainly unwise to attempt.[2] The importunity of the royal agents at the Curia, however, quickly obtained confirmation for Aylmer to the See, in spite of his youth and want of learning, and in spite, too, of his ignorance of the language of the country, which, it might be supposed, would alone have suggested sufficient grounds for his rejection. It is hinted by Matthew Paris that the pope was assisted in settling this grave question according to Henry's wishes

[1] Matthew Paris, v. 198. [2] *Registres d'Innocent IV*, ii. No. 5,337.

by the king's promise of an annuity to Robert, son of the duke of Burgundy, to whom Innocent IV was under some obligations, which he saw his way to satisfy in this manner.[1]

By the middle of the year 1251, Aylmer returned to England from the Curia with the documents necessary for his confirmation to the See of Winchester. He was accompanied by a large retinue of foreigners, who were rapturously received by the Poitevins already established in the country in considerable force. On 23rd July, a Sunday, the new bishop-elect had reached Winchester; for on that day he gave to all his foreign followers a great banquet in celebration of his appointment by the pope, who had also allowed him to keep whatever other ecclesiastical revenues he had previously obtained through the king's good offices, to the amount of 1,000 marks yearly. Even those which he could not keep, Aylmer seems to have passed on, by the royal authority and influence, to some of his followers. Thus the annuity, which Henry some years before had forced the abbot of St. Alban's to pay to the bishop-elect, was now transferred to one of his Poitevin clerks, whom he wished to reward for his services,[2] in spite of the strong objections and protests of those chiefly concerned. The appointment to the See of Winchester naturally gave great scandal to Englishmen. Not only was Aylmer, as a foreigner, held to be unfit for the charge of a great and important diocese; but for the first time in history there was appointed to one of the English sees, a youth who was unable to receive episcopal consecration, and who apparently was not intended to be more than the elect of the diocese, which, however, gave him authority and power to draw the revenues of the See, whilst at the same time he was permitted to retain many of his previous ecclesiastical benefices.

[1] Matthew Paris, v. 224. [2] *Ibid.*, 242.

On 13th October, 1252, the bishop-elect attended a great meeting of prelates convoked by the king in London to hear the orders of the pope, in regard to a grant to be made to the Crown from their ecclesiastical revenues. The royal letters had already been sent to the archbishop of York, who had replied, just a month previously, that on the receipt of the pope's and the king's orders he had held a convocation at Blyth, in Northumberland, but that as the matter touched the whole Church, the northern convocation had come to no decision, and desired to hear what the southern province was going to do in the matter.[1] At the London meeting the king attended in person. He produced a papal mandate that all beneficed clergy of the English Church were to pay to the king for three years a tenth of their revenues towards the expenses of his journey to the Holy Land. Moreover this tax was not to be levied on the old valuation; but the collections were to be made according to a new and strict estimate to be drawn up by the king's officers appointed for the purpose. Bishop Grosseteste at once opposed the imposition of this unheard-of tax. The elect of Winchester, on the other hand, urged the need of compliance with orders which came both from the pope and the king. He asserted also that the French prelates had been obliged to agree to a similar demand, though, he added, "they have more power than we have, and are more used to resist." Grosseteste, however, declared that because the French had given way, it became all the more necessary that the English prelates should stand firm and resist, so as to avoid creating a precedent by the concurrence of the two nations in these demands. In the end, most of the bishops, including even the elect of Winchester, refused to entertain the royal requests, al-

[1] P. R. O. *Royal Letters*, No. 279.

though they were backed up and founded upon the express orders of the pope.[1]

The king, not unnaturally, was greatly angered at the turn of events, and especially at the attitude of Aylmer, the elect of Winchester, upon whose support he had calculated with certainty, since he owed his position and wealth entirely to his royal master's influence. For a time, however, in order ultimately to gain his point, he allowed himself to be persuaded to conceal his wrath by turning his demand into a mere request, and dropping altogether the papal orders upon which he had previously relied. He pleaded that he was going to fight for the honour of Christ and His Church, and that all those who had this at heart, ought to give him fitting support and assistance.

This apparent change in Henry's attitude worked a similar change in the hearts of the English prelates. "We undoubtedly believe," they said, "that if the pope really understood how the English Church was burdened and oppressed by so many taxes and exactions, the king would never have obtained such a document from the Roman Curia." In every way our king is impoverishing his kingdom and bringing the Church to want. "What shall we say about the prelates he has intruded into the best Churches of the land? How miserably his archbishop of Canterbury (for instance) has secured for himself the wealth of the country, pretending that he is so overburdened with debts, that he cannot live without help from the whole English Church!" They then went on to declare, that they had no belief in the king's declaration that he was going in person to the Holy Land, and that in their opinion he hoped to secure, by means of this pretence, the money of his subjects. Still they were willing

[1] Matthew Paris, v. 324-326.

to grant what was now demanded of them, provided that he would again promise to observe the charter of their rights and liberties, which he had so often sworn to and had as frequently broken, and provided also that the money now collected was not used for any other purpose than to meet the needs of the Holy Land.

Henry was furious at the attitude taken up by the bishops, who, however, remained firm and declared that they could and would do nothing in the absence of the archbishop of Canterbury, who was their head, and also without the counsel of the archbishop of York, who was away in the northern parts of the country. Seeing that he could gain nothing from the prelates as a body, the king tried again his usual policy of putting pressure upon certain individuals amongst them. His first attempt was made upon Hugh Northwold, bishop of Ely, whom he received with great condescension. Rising to greet him upon his arrival, and seating him by his side he put him at his ease, by referring to the many services the bishop had already done him. He then went on to say that at the present time, more than ever before, he stood in need of help, as he had taken upon himself the obligation of fighting in the Holy Land for the cause of the universal Church, and he invited him to set an example to the rest of the English bishops, by at once giving him what was now asked; promising that, if he did so, he would experience the royal gratitude in the shape of many additional rich benefices which he could secure to him.

The bishop, however, was unmoved by the king's praises and promises, and plainly declared to King Henry that he would abide by the decision of the meeting. "If we prelates," he added, "were to give in to your will, the Church would be impoverished; and against your oath and to the

injury of the faith, it would subject itself to servitude and to the payment of a lasting tribute. He recalled to Henry's mind the fact that men like St. Thomas and St. Edmund had suffered to maintain the rights of the Church, and he pointed out how all the money, collected by St. Louis of France in a similar way, had only gone to enrich the Saracens by the payment of ransoms. This reply exasperated the king: losing all control over himself he ordered his officers to show the bishop the door of the palace, and not to allow him to enter again. This was likewise the experience of several others among the bishops whom Henry endeavoured to bring over to his side; and whilst he was still smarting under the rebuffs he had received, Aylmer, the elect of Winchester, came to take leave of his half-brother before leaving London. In reply to Aylmer's salutation: "I commend you to the Lord God," Henry replied; "and I you to the living devil. Even if the whole world were against me, you who are my half-brother, ought to stand for me. It was I who promoted you against the will of God and of His Saints as well as of Rome, to whom of right the choice belonged, and I have advanced you to such dignity that in riches you are second to none in England." To this the youthful prelate replied: "My Lord, I am young in years; did you think because you made me (a bishop) I should be a child in my actions? God forbid that I should withdraw from the judgement of all those who love God and your own honour." [1]

On 18th November of the same year, 1252, Archbishop Boniface returned once more to England. Almost immediately, he and the elect of Winchester came into serious collision on a matter of jurisdiction, which was tried out rather by force than by law. The bishop-elect appointed

[1] Matthew Paris, v. 325-333.

a priest to the vacant mastership of the hospital of St. Thomas in Southwark, to which, although it was in the See of Winchester, the right of presentation was claimed by the archbishop of Canterbury. This right was overlooked in the appointment, whether purposely or not does not appear. The official of Canterbury, however, assuming that the right of the metropolitan had been violated maliciously and of set purpose, warned the newly-appointed master to vacate his office, and upon his refusal excommunicated him. Finally, after forty days, and after he had disregarded the excommunication, he had him taken as a prisoner by force to Maidstone.

On hearing this, the elect of Winchester took counsel with his brothers, and determined to avenge by force, what he considered an open violation of his right as Ordinary of the See. A band of men was quickly got together and dispatched to Maidstone, to effect the liberation of the master, or prior, of St. Thomas's hospital, but not finding him they set fire to the place. They then betook themselves to Lambeth, and seizing the official of the archbishop as a hostage, took him bound as a common malefactor to Farnham, where Aylmer, apparently not knowing what to do with him, allowed him to go. Rumours of all this unedifying contention reached Archbishop Boniface on his arrival in England; and hastening to London, in the church of St. Mary-le-Bow, he solemnly excommunicated all who had had any part in this outrage. At the same time he wrote round to his suffragans ordering them to publish this sentence in every church in their respective dioceses, on Sundays and holydays. To this letter the elect of Winchester replied by a direction that the sentence should be publicly declared null and void, in Southwark and other places. The foreigners at the court were divided: some

took the side of the archbishop, some that of the elect of Winchester. It was a case of nationality more than reason; and the Poitevins, who were the king's men, upheld Aylmer, whilst the queen's followers, the Provençals, supported their countryman, Archbishop Boniface. The latter, however, succeeded in stirring up popular feeling in his regard, by appealing to the University of Oxford, where he was received with great honour, and which he and his "crowd of Provençal clerics," who accompanied him, were forced to confess in every way a rival of Paris. On 7th December, 1252, at a solemn congregation of all the University, Boniface renewed his excommunication and published the names of all those who had so openly and publicly offended against the dignity and rights of his archiepiscopal office.

The case ended, as such cases usually did at that time, in an appeal to the supreme authority of the pope. This resulted in a compromise, by which the right to appoint the master of the hospital was to be vested in the bishops of Winchester, who were to pay a small sum of money to the See of Canterbury, in recognition of the right of appointment which the archbishops had once exercised.[1] Through the influence of the king and queen, peace between Boniface and Aylmer was brought about; and on 13th January, 1253, the elect of Winchester met the archbishop and received absolution and the kiss of peace.

Meanwhile the king's request for money from the bishops had been in abeyance since October, and the settlement of the quarrel between the archbishop and the elect of Winchester seems to have suggested to the king the possibility of some arrangement in his own affairs, particularly as the return of Boniface to Canterbury gave some hope of assistance from one who was the queen's uncle. Inquiries

[1] Matthew Paris, v. 348-354.

among the bishops led Henry to expect to receive the pecuniary aid he required, upon his renewal of his promises of better government, which he expressed his willingness to make. This promise the prelates were compelled to believe, in spite of their remembrances of a similar promise made under the most solemn circumstances in the days of the archbishop St. Edmund. In the month of April, 1253, consequently, parliament was convoked to assemble in London. At this meeting the archbishop of Canterbury and nearly all the bishops of England were present; the archbishop of York, who had skilfully managed so often to avoid having to give advice to the king, being again absent on the plea of age and health. After an exposition of Henry's wishes and demands and a discussion thereupon, a deputation consisting of the archbishop, the bishops of Carlisle and Salisbury, and the elect of Winchester, was appointed to wait upon the king to obtain from him his promise to permit entire freedom of ecclesiastical elections, in which the liberty of the Church mainly consisted. By the king's method of action this freedom of choice did not really exist; and at that time, as they were instructed to say, "no one could be promoted to any cathedral or conventual church, except he was thrust into the office by the king." By this, grave injury was done to the Church, and both prelates and subjects were being ruined. If, according to the provisions of *Magna Charta*, Henry would only refrain from this interference with ecclesiastical elections, they were authorised to declare that the prelates would gladly do what they could to help him as he desired.

The king's reply to the deputation is worth quoting at length. "What you state is quite true," he said, "and I am sorry, and indeed am very penitent for having acted as I have. We must at once try and correct what has been

done wrongly in these matters and see that it does not happen again. I ask you to help me (in this correction) lest those so promoted be condemned with their subjects. You will easily recollect that I have promoted this archbishop Boniface of Canterbury to the high dignity he holds; and that I have raised you, William of Salisbury, from the lowest rank, since you were a writer of my letters, and as a justice and a hireling you assisted at many doubtful judgements. You will remember that, setting aside many theologians and religious persons, I exalted you Silvester, bishop of Carlisle, to the episcopate, who for a long while acted as mere underclerk in my chancery.[1] So also as to you, my brother Aylmer, it is well known that when the monks were unwilling, I corrupted them by my words or my threats, and so raised you to the high pedestal of the Church of Winchester, when by age and learning you were still in need of a pedagogue. First and foremost then, both for my sake and your own it is necessary that, moved by repentance, you resign what you have unjustly attained, lest you be eternally lost. For my part, encouraged and humbled by such an example, I will take care for the future only to promote such as are worthy." The only reply possible to this speech of the king was made by the bishops who formed the deputation: "My Lord King," they said, "we are not discussing the past, but the future." In the end, after a fortnight spent on discussion and in various deputations to the king, the aid asked for was granted to him by ecclesiastics and laymen, on his promise to observe for the future the provisions of the charter granted by King John.

The king's promise was once more made the occasion of a solemn ceremony in the great hall at Westminster on 13th May, 1253. In presence of Henry and his nobles,

[1] *diu lambens cancellariam clericorum meorum clericulus.*

the archbishop and all his suffragans, in full pontificals and bearing lighted tapers, renewed the solemn sentence of excommunication, pronounced against all transgressors of ecclesiastical liberties, of the free customs of England, and in particular against those who failed to recognise the rights secured by the charters of the liberties of the kingdom and the Forest Charters. The rolls of the charters of King John were then produced, and their provisions read; and the king, whilst he listened to the sentence of excommunication, says the chronicler, held his hand upon his breast, his brow was unclouded, and his countenance cheerful, and by no means did he look like a man who was coerced in what he was doing. And at the end, when all throwing their extinguished but still smoking tapers on to the ground, exclaimed: "So may all who incur this sentence be extinguished and smoke in hell," the king himself added: "May God so help me, I will faithfully keep all these promises inviolable, as I am a man, as I am a Christian, as I am a soldier, and a king both crowned and anointed." As a memorial of this act, Henry and his nobles set their seals to a document embodying the provisions which had been agreed upon, and setting forth that the offenders were to be held as excommunicated in the future.[1] Whatever may have been the sincerity of Henry's promises to the English prelates at the moment, within a short time the evil foreign councillors with whom he had surrounded himself quickly suggested that when he had secured the money, he could easily obtain absolution from his oath, by once more invoking papal authority. They hinted that by the expenditure of a small portion of the sum thus obtained from the English Church, the king could induce the pope to relieve him of the obliga-

[1] Rymer, i. 290.

tions incurred, even should the prelates obtain papal confirmation of the excommunication pronounced against all who should transgress the charters thus once more confirmed by Henry.[1]

On their side the English bishops endeavoured to prevent their sovereign from again repudiating his solemn engagements, by seeking immediate confirmation from the Holy See for what had been done. Their application was so far successful that, on 28th of September of this year, 1253, Innocent IV, with the advice of the cardinals in Curia, confirmed their action, and included in his approval the terms of their excommunication of such as infringed the charters of national liberty.[2] Moreover, the deans of London and Lincoln were charged to publish this papal confirmation, and to see that it was known throughout England. In pursuance of this charge they communicated the letter to the bishops, asking them to order the letter to be read "in English or French," in all churches of their respective dioceses, according as they should think fit."[3]

Meanwhile Alymer, the bishop-elect of Winchester, had fallen out with the monks of his cathedral monastery, and had made them repent in tears of blood their compliance with the king's wishes in electing him. Matthew Paris, who may, perhaps, be considered as likely to take the side of the monastery against the bishop, says that the story of their sufferings and persecutions would bring tears to the eyes of anyone who heard it related. On one occasion, because they would not do what he wished, he kept them locked up for three days in the church, and some of the weaker members never recovered the hunger and

[1] Matthew Paris, v. 378. [2] Rymer, i. 293.
[3] *Annales Mon.* (Ann. de Burton), i. 320.

hardships endured during that long vigil. This experience determined them to seek shelter in other houses of the order, and St. Alban's, Reading, Abingdon, and other monasteries opened their doors to the fugitives. To their brethren at St. Alban's they said: "We deserve our sufferings for fearing man more than God in the making of this election. We have raised to the highest dignity one wholly unworthy. In the place where so many holy and worthy men have ruled, we have received a youth, who is said never to have undergone the discipline of a school. He has never learnt the rudiments of learning or even of grammar: though not a bishop, he dissipates the (revenues of the) episcopate: ignorant of our language, of Scripture and of all other clerical learning, he cannot preach or hear confessions, or indeed minister to God in any spiritual office."[1]

The king, seeing the desolation of the house at Winchester, brought about by his nominee to the episcopal office, rebuked Aylmer for his treatment of those who, at his royal bidding, had chosen him. The royal remonstrance, however, had no effect, and Alymer filled up the places of those who had fled from his tyranny with low-bred, ignorant, and wholly unworthy men, "to the scandal and lowering," says the chronicler, "of the entire monastic order, and of religion itself." Not content with this, the bishop-elect appointed a prior in place of the one who by law was the superior of the monastery. This latter carried his appeal to the Roman Curia, but being poor he could not at first prevail against the large sums expended by his opponent. Henry warned his half-brother that in order to succeed he must be prepared to expend large sums of money, but he replied that the spring of his wealth should

[1] Matthew Paris, v. 468.

never dry up, so as to prevent the monks getting their way. The intruded prior was confirmed by the Curia, and William de Taunton, the old prior, was given one of the conventual manors and received from Pope Innocent IV the mitre and other pontificalia,[1] though what use they could be to him under the circumstances does not appear. Subsequently, however, the true prior returned to rule his house, for he received letters of protection from Pope Alexander IV in 1255, to enable him to prosecute his case against Aylmer, and in the following year was allowed to pledge the credit of his monastery to meet the charges in Rome.[2]

In 1256 Pope Alexander IV tired, no doubt, of the endless quarrel between the Winchester monks and their bishop-elect, took the wisest course and appointed the celebrated Franciscan, Adam Marsh, to hear and determine the whole cause in England. The parties met at Winchester, the bishop personally appearing, and the prior, William de Taunton, who was then in the Curia, attending by his proctors. It was agreed that all the complaints and charges made by the convent should be withdrawn, and that the elect should return any property of the convent he held, and that he should likewise see that sufficient provision was made for them in the future, for which the obedientiaries were to render the bishop a sufficient account. This truce was approved by the king on 26th June, 1256.[3]

The rest of the history of Aylmer does not concern us much in this place. He remained a foreigner to the last period of his stay in England. In 1258, when the Poitevins

[1] *Ann. Mon.*, ii. 95 (Winchester Annals).
[2] *Registres d'Innocent IV*, i., No. 835 and No. 1,109.
[3] *Mon. Franciscana*, i. 609-612.

were obliged to leave England, the bishop-elect of Winchester went with them. His request to be allowed to stay in Paris was refused by the French king, St. Louis, who, however, allowed him to pass through France to Poitou. A considerable sum of money belonging to him was intercepted at Dover and confiscated. Meanwhile the question of his title to the See was raised, now that he was in exile. The Winchester monks feeling that the only way to get the royal assent to any election in the lifetime of his half-brother was to make choice of some one high in the royal favour, met and elected Henry de Wengham, the king's chancellor, as their bishop. Fearing complications and appeals, Henry gave only a conditional assent to this, claiming that if Aylmer could obtain consecration from the pope his election should still be allowed to stand; if not, then he agreed to the choice of de Wengham. By this time Pope Innocent IV had died, and had been succeeded by Alexander IV; and, in 1258, the English baronage addressed a letter of complaints against the bishop-elect to the pope. They charged him with pledging the property of the See of Winchester, in order to carry out the designs of the foreign party in England, and that rather than meet the accusations made against him he had fled the country. They would not, they declared, feel safe were he allowed to return to England. In fact, they say, "it is the fixed determination and desire of everyone that he, the author of divisions, dissensions, and scandals, be no longer allowed to live amongst us." They consequently beg the pope to remove him altogether from the administration of the See of Winchester, and thus "to avoid scandal, by force of the plenitude of your power." Even if the king and his nobles, they add, might wish for the return of the bishop-elect, the people would never tolerate it. And indeed such a thing

could not be allowed "without grave scandal, since he is not a consecrated bishop at all, but one to whom the administration only has been given."[1]

The English nobles, fearing lest Aylmer might hurry to Rome and by his promises to the pope and cardinals obtain consecration, and so "have greater power to do harm," sent four of their number to back up, by personal explanations, the representations contained in their letter. One member of this deputation died in Paris, but the other three reached the Curia, and fully explained the motive of their journey to the Holy Father. They are, indeed, said to have horrified the authorities by their account of the misdeeds of Aylmer and his brothers. In their desire that there should be no mistake on the part of the Curial officials as to the true situation, the barons dispatched a second letter to their agents for presentation to the pope. This communication breathed the true spirit of filial affection: "If the most holy Roman Church," they say, "would with becoming gratitude recompense the merits of our forefathers, who, inflamed by the love of God's Church and churchmen, and to exalt them, have splendidly founded, built, and richly endowed so many churches, as is clearly shown by the testimony of those marvellous works which have lasted through the ages, it would extend to us specially the favour of a watchful care. It would freely afford us the help of a heart manifesting paternal generosity; it would not disturb onr peace and that of the kingdom of England, but with all sincere affection in the Lord, and by every means in its power, would maintain it; especially, as far as we are able, we desire to be zealous imitators of the faith of our forefathers, and of the devotion which they had

[1] *Additamenta*, 395-404; cf. *Ann. Mon.*, i. 170, where the date of the letter appears to be 25th June, 1258.

for the Church and churchmen." They fear, however, that they may look for this in vain, if what they hear is true; namely, that Aylmer, "once the elect of the Church of Winchester," about whom nothing is too bad to say, is to be once more, through his misrepresentations, false suggestions, and manifold suppressions of the truth, sent back into England. "O prince of the Church and shepherd of the sheep of the Lord's flock, to whom in the person of Saint Peter it is said, *Feed my sheep*, we beg of you," they plead, "not in your great power, which we fully recognise, but in your zeal for justice, in your manifold mercies and in the spirit of your loving kindness in the ruling your flock, remember that *the Lord is not in the fire, nor in the earthquake, nor in the strong wind overturning the mountains, but rather in whisperings of a gentle air.*"[1] They conclude by making a touching appeal to Alexander IV, to show himself a father and not to do them the great injury, which report says he is contemplating, of letting the unworthy bishop-elect return to the country he has so shocked and injured.[2]

This letter was followed by a third appeal to the pope to prevent the evil of the return of the unworthy elect, which was still spoken of as not improbable. "When the small streams are dried up by the heat," the English nobles say, "it is necessary for the thirsty to come to the fount of living waters. So do the oppressed have recourse to the clemency of your See when justice is violated by might. God, indeed, has given you to the world in His place, that restraining by His own power the exalted horns of the proud, He may raise the humble who are depressed by the power of the proud." They then proceed to give one instance of the injuries inflicted by the bishop-elect in his

[1] *III. Reg.*, xix. 11-12. [2] *Additamenta*, 407-408.

own diocese, in the hopes that it may induce the pope to resist the persuasion which he was exerting in the Curia to secure the triumph of his cause. On their knees, they say, they beg the Holy Father to put a bridle upon the malice of Aylmer, so that "he, who has reverence for no one, may be taught that he is subject to the Apostolic See."[1]

Towards the end of the year 1258 the pope replied to the letters of the barons. The letter is long and deals with many important questions other than that which seemed so pressing to his petitioners. In fact, the papal letter is almost identical with a Bull sent to the king of England at the same time, and only at the end is there added a clause, specially dealing with the case of the elect of Winchester. In this final portion of the Apostolic letter, Alexander IV says that he has considered what they urge against Aylmer, and is "much disturbed and grieved," supposing what they say "to be true." He cannot, however, proceed to a judicial inquiry since the elect of Winchester has no proctor, and justice requires that his side should be heard before judgement is given.[2] So matters rested; but not for long. It was in the following year that the monks of Winchester endeavoured to settle the question of the bishop's return, by electing de Wengham the chancellor, above referred to. The king, as has been said, consented conditionally upon Aylmer not being able to obtain episcopal consecration. Pope Alexander IV, however, was not inclined to hearken to the bitter cry of the barons against the elect, and seems to have regarded their complaints as mainly political. He had already on 30th July, 1255, permitted Aylmer to defer his consecration, on the plea that he was not yet thirty years of age, and had given him a dispensation from the

[1] *Additamenta*, 409. [2] *Ibid.*, 415.

canonical law, which obliged every bishop-elect to seek consecration within six months of his confirmation, on pain of losing the office altogether.[1] Whatever may have been his reasons, at this present juncture the pope practically answered the petitioners by consecrating Aylmer on 16th May, 1260. Almost immediately the bishop set out for England, intending to force himself, if there were need, by excommunication and interdict, upon the monks and diocese of Winchester. That he did not determine to take this course with the king's sanction, is clear from the letter sent by Henry himself to the pope, declaring that he would not consent under any circumstances to Aylmer's return to England.[2] The loyalty of the English in their obedience to the Holy See, was, however, never put to the test; for Bishop Aylmer, whilst on his way to England, died in Paris on 4th December of this same year 1260. His death came as a great relief to many, whilst none appear to have regretted this solution of a great scandal. The last that is heard of this unworthy prelate is a reference in a letter from Pope Urban IV to Albert of Parma, a papal official in England, where it is said that Aylmer, the late bishop, had promised eighty marks to the Roman cardinals, and the pope directed him to endeavour to procure the payment from his executors.[3]

[1] *Registres d'Alexandre IV*, i. No. 686. [2] *Royal Letters*, ii. 147.
[3] Brit. Mus. Add. MS., 15,360, f. 10.

CHAPTER XVIII

THE ENGLISH CHURCH IN THE LAST YEARS OF BISHOP GROSSETESTE

When Pope Innocent IV died on 7th December, 1254, many grave matters concerning England still awaited solution. Before passing on to consider the attitude of his successor, Alexander IV, towards England, it may be well to examine briefly into the state of ecclesiastical affairs in the country during the three or four last years of Pope Innocent's reign, and to make an attempt to determine the relations then existing between Rome and England.

The papal "provisions" of foreigners to English benefices, which during the whole of this reign had given rise to such dissatisfaction in the country, though perhaps somewhat fewer in number, were still sufficiently numerous to keep alive a spirit of discontent, which occasionally found expression in the letters and speeches of even the most loyal churchmen. Although some mitigation of the evil had been obtained from Rome, in such papal enactments, for example, as that no Italian should succeed an Italian in any living; still, in practice dispensations from these restrictions were readily found when necessary. An example may be given of the case of St. Alban's in 1251. In the December of that year the pope sent his letters to the abbot and convent in favour of John de Camezana, his nephew, who desired to have the church of Wingrave, the patronage of

which belonged to the abbey. The living was not at the time vacant; but the pope took to himself the next presentation in favour of Camezana, and he dispensed for this time with the law forbiding one Italian to succeed another in the holding of any benefice. After stating this case, the chronicler appears rather to apologise for finding a place for the incident in a general history of the times. But, he says, "I have concluded to insert it, that readers may see with what injuries and oppressions the Roman Curia harasses us poor English. This is what alienates our hearts, though not our persons, from our father the pope, who seems driven (to treat us) with the harshness of a conqueror; and from our mother the Roman Church, which acts towards us with the persecuting spirit of a step-mother." [1]

Similar heartburnings had been experienced in France, then under the rule of St. Louis. Pope Innocent IV, in order to be able to carry on his quarrel with the emperor, and to continue the struggle of the Christian arms against the Moslem power in the Holy Land, was forced to take many exceptional measures to obtain money. However necessary the object—and about the crusades at least there can be little doubt—the measures taken were contrary to the truest interest of Christian countries, as tending to alienate peoples and their rulers from the centre of Christendom. These exactions, it must be remembered, weighed as heavily on the French clergy as they did on those of England. Innocent IV felt himself bound to recompense the faithful services of those who surrounded him, and the readiest, and it would almost seem the only means of doing so, was to make the endowments of England and France pay for these services in the shape of pensions, prebends, and benefices. Louis of France, in spite, or rather perhaps

[1] Matthew Paris, v. 232-233.

because, of his ardent devotion to religion, felt himself bound to protect, even against him whom he regarded as the head and supreme authority in the Church, the prerogatives of his Crown and the rights and possessions of his subjects.

In May, 1247, the archbishop of Canterbury, then in the Curia, tells his brother, Peter of Savoy, of representations being then made to the pope at Lyons by envoys from France. The embassy consisted of the marshal of France, Ferri Pasté, representing the king, and the bishops of Soissons and Troyes sent by the French clergy. They complained of the abuse of authority on the part of the Roman Curia, and the special points indicated are precisely those with which every student of the English records is familiar. The pope replied in such a vague way as to give little satisfaction to the envoys, and they were forced to leave after only three days' sojourn, without having effected much by their representations.[1] St. Louis, however, clearly shared their feelings and desires, for a second embassy was dispatched to the pope at the beginning of June to make even stronger representations, and there was reason. M. Elie Berger, the editor of the Registers of Innocent IV, thus describes the action of the papal officials in France at this time. Men constantly heard the words: "Give me so much, or I will excommunicate you." They "saw priests of the highest dignity, the successors of the Apostles, and with them all the ministers of the Church, treated by order of the apostolic nuncios as if they were slaves or Jews. . . . For the first time this system was put in practice by the cardinal-bishop of Praeneste, who, during

[1] *Additamenta*, 131-133; cf. Lavisse, *Histoire de France*, III., ii. 65. M. Langlois, the author of this section, notes that the knowledge of this *Mémoire* is due to Matthew Paris, who has preserved it.

his legation, had imposed money procurations on all the churches of the kingdom. He made the bishops, abbots, priors, and other ecclesiastics come secretly to him one by one, and said to them: "I order you, in virtue of the obedience you owe me, and under pain of suspension, not to reveal to anyone by word or action, by sign or writing, what I am going to say to you: if you do, *ipso facto* you fall under the sentence of excommunication." Then, having shut the lips of his victim, he added: "I order you, by the pope's command, to pay such a sum of money, at such a time and place, and if you make default you will be excommunicated." One of the demands of this second memorial presented to the pope by the French ambassadors was that this practice should instantly cease.[1]

To return to England. The example set by the Roman authorities in dealing with the property of the English Church, without regard to the purposes for which it was intended, was copied by the king. He kept the property of vacant Sees and abbeys in his hands whenever he could, and for as long as he pleased, in defiance of his reiterated promises. These lands and manors he dilapidated at will, by cutting down the timber and granting leases, and in fact he treated them as if they had been his own personal property. In 1254, when he was in Gascony, Henry did not hesitate even to assign the property of certain vacant Sees and abbeys to some pressing creditors from whom he had borrowed money.[2] In fact, the king was constantly in such serious financial difficulties that the habit of looking for anything upon which he could lay his hands had become almost a second nature to him; and though he was at times generous in his gifts, they were sometimes at least suspected of being acquired from some third party. On

[1] *Reg. d'Innocent IV*, i. cxxv. [2] Matthew Paris, v. 467.

one occasion, about the year 1252, the Franciscans received as an alms from the king a two-horse load of gray woollen cloth, suitable for their habits. The friars, however, at the same time heard that Henry had practically taken the stuff from the merchants, who had wished to sell it, without payment. They consequently sent back the cloth at once in the cart to the king, declaring that it was unlawful for them to receive as alms what had been taken from the poor.[1]

At the same time, whilst in difficulties himself, the English king could be royal in munificent dealings with others. Unless Pope Innocent IV had by the end of his life learned to gauge Henry's promises, his closing days must have been consoled by the king's open-hearted generosity. "Under pain of forfeiting his kingdom," says the chronicler, "which, by the way," he adds, "he neither could do, nor ought to have done," he pledged himself to repay all the cost incurred by the pope in the war in which the Sicilian business had involved the Roman Church. He was to get all that was necessary from that inexhaustible well of all riches—England. And the pope, says Matthew Paris, "not having for the country the bowels of affection, borrowed the money to a large, and even prodigal amount, from the Italian usurers, whom they call merchants; which amount, by the extortion of the pope and the cheating of the king, England, reduced to the depths of slavery, would be compelled to pay."[2] The wrath of the English generally was during all this period stirred up against the foreign usurers, who, under the name of merchants, came into the country under the protection of papal authority, and not unfrequently in the train of, or following immediately after, the nuncios or other papal officials. When the ecclesiastics

[1] Matthew Paris, v. 275. [2] *Ibid.*, 470.

and the religious houses were unable to find money to meet the frequent demands of king and pope upon their purses, these money lenders were ready at hand to lend, at high rates of interest, or on the security of pledges, the sum needed. In fact, in many instances recourse to these usurers was suggested by the tax gatherer himself, who otherwise would have had to depart without getting what he came for. In this way the Church was still further impoverished, and even the sacred vessels found their way into the hands of the money lender. The English, as the chronicler notes, called these foreign usurers by the name of "Caursins," or "Caursini." But the name was not confined to this country, any more than the existence of these pests of civilisation. In France, many laws and statutes were passed against them at this period of history. In 1268, St. Louis of France promulgated an edict by which he hoped to effect their extirpation from his kingdom, and he says that he hears they are publicly engaged in "lending money upon pledges at usury, and that they have set up houses to carry out their trade in the great cities." Matthew Paris speaks of them as being so numerous in 1251, and so rich that they had purchased the finest palace in London, and had there established a fixed place of business, like the native merchants. "Nor do the prelates," he says, "dare to speak, since they declare they are the merchants of the lord pope; neither do the citizens care to call out, since they are protected by some of the nobles who, through the example of the Roman Curia, have themselves lent money in order to increase it." In 1251, however, for some reason or other, the king turned against them, and at his direction they were accused before the judges in London of being schismatics and heretics, since professing to be Christians they had corrupted the whole

country by their most disgraceful business of money lending. His royal conscience, he says, would not allow him to shut his eyes to this evil. Some of the money lenders were consequently imprisoned, and others concealed themselves, until a scarcity of money suggested the prudence of setting them again at liberty. One of them told Matthew Paris that if they had not purchased large establishments in London, there would have been very few found to remain in England.[1]

Curiously enough, as it may now appear, at the very time and year about which the chronicler records this action of the king against these foreign usurers, Pope Innocent IV writes a letter of commendation to an English society, established for the protection of the poor against the rapacity of the money lenders. He understands, he says, that to put a stop to what is eating up the substance of rich and poor alike, "certain merchants of various cities and places (in England) in compassion for the poor, with pious and prudent forethought, have set aside sums of money of their own, which they have placed in the hands of chosen and trustworthy citizens, to lend to the poor, and that for the loan of the said sums nothing was to be demanded or received except the principal." The society was purely philanthropic, and nothing was charged for the management of the charity. The capital was not to be allowed to diminish, and it was even hoped that it would increase, through further gifts of the charitable. The pope had been told, in 1251, that this pious society had existed already for more than four years in many places, and had done much good, and he consequently writes to the bishops of Bath and Wells and Salisbury to express

[1] Matthew Paris, v. 246.

his approval, and to give his blessing to those who had contributed.[1]

One practice which, as documents in the papal registers show, arose at this period, and which in process of time became very general, was that of pledging the credit of religious houses or ecclesiastical corporations, by the proctors transacting business in the Curia, in order to meet the fees and other expenses necessary to expedite their business. Thus, to take a few examples of this practice, which frequently involved the monasteries in great debt, Pope Innocent IV, in 1253, gave leave to the proctors of Christ Church, Canterbury, to pledge the credit of their monastery to the amount of several hundreds of marks.[2] Also the same permission was accorded to the agents of Sempringham to raise 1,500 marks from the money lenders in the Curia;[3] the same also to the monks of Worcester, then in Rome on the business of their house,[4] and to those of Evesham,[5] etc.

At this time, too, it is not uninteresting to note one result of the attempt to enforce the strict legislation of Pope Gregory IX for the monks of the Order of St.

[1] *Reg. d'Innocent IV*, ii. No. 5,117. A chance document entered into a book of letter-forms, etc., coming from the chancery of Bishop Waynflete, of Winchester, shows this pious work in practice. In this case the money was found by a benefactor to relieve the poor of his parish by making loans without interest, either upon the security of pledges or on the word of three known sureties, the parish priest not being one of them. The capital sum was to be kept in a chest with three locks, the keys being held by the three trustees. The loans were to be made for a year only, after which they were to be paid back either entirely or in portions agreed upon. If default was made for any cause, the pledge was to be sold, and whatever was over and above the amount of the debt was to be returned to the borrower. The benefactors to this "work of such obvious charity" were to be prayed for at Sunday Mass, and the rector was to urge people to add to the capital in the hands of the trustees. (Harl. MS., 670, f. 77b.)

[2] *Ibid.*, ii. No. 6,282.

[3] *Ibid.*, No. 6,427.

[4] *Ibid.*, No. 7,051.

[5] *Ibid.*, No. 7,426.

St. Alban's College Library

Benedict. Innocent IV, in 1253, wrote to various bishops in England directing them to enforce the observance of these statutes, except where a dispensation from them had been granted by the Holy See,[1] and he forwarded a copy of the reformed statutes. There is little in these statutes which could be objected to; and according to the document printed by Matthew Paris as the criticism of the Chapter of St. Alban's, little that was objected to, as not according to rule. In many instances, however, and notably in regard to the entire abstinence from flesh meat, so easy in the warmer south, custom had changed the observance in England. As far as it is now possible to piece together the documents regarding this papal ordinance, the chief result of the endeavour to enforce primitive strictness, was the almost wholesale granting of dispensations to such religious houses as sought them in the proper way. Thus Durham, for instance, obtained its freedom from the new legislation, and the same book which records the law, records also the exemption from it. In the same way, Edmundsbury, St. Alban's, and a host of other monasteries received the necessary dispensations, some of them being recorded in the registers at a time when the papal permission to pledge the credit of the houses for the purpose of their business show that the monks were present in the Curia to represent their case. The principle upon which the pope acted in giving such dispensations is stated clearly in some of the documents which convey them. The Rule of St. Benedict, the pope declares in substance, is sufficiently difficult and hard; and to this the legislation of Pope Gregory IX, and the statutes of his legate, added many precepts and ordinances of great

[1] Matthew Paris, *Additamenta*, p. 234; cf. Wilkins, *Concilia*, i. 702, where the document is addressed to Durham.

gravity, which circumstances and times made it hard, if not impossible, to observe. Moreover, this later legislation took away from the abbot the wise discretion left to him by the founder of the Order. The pope, therefore, released the monks from the obligation of these later statutes, and restored the discretionary power of the local superior, except where "by the rule he had no authority to dispense."[1] It was at this time, and in connection with the same matter, that the pope directed the bishops of Christendom to make a visitation of all the religious houses within their jurisdiction, in order to ascertain whether the legislation above referred to was effective, in cases where no dispensation from the observance had been granted. In France the Benedictine Order, by the payment of a large sum of money, secured immunity from this visitation for their entire body. In England, where only some of the monasteries were exempt from episcopal jurisdiction, the question only arose in cases where the bishop had no authority. Many of these obtained the individual dispensations just referred to, and in some cases, as at St. Alban's, for example, the monks contended that the pope's order did not apply to the exempt houses. The abbot of St. Alban's successfully resisted the proposal of Bishop Grosseteste to visit his house, and he appealed to the pope to uphold the privileges of his monastery.[2]

During the period which includes the last few years of the reign of Pope Innocent, the life of the greatest English churchman of his age, Bishop Grosseteste, was also drawing to a close. On his return to England from his journey to

[1] *Reg. d'Inn. IV.*, iii. No. 7,440. The document has reference to the case of a foreign monastery.

[2] Matthew Paris, v. 381.

Lyons, "sad and downhearted," he is said for a time to have thought of resigning his office, but he allowed himself to be persuaded to fight to the last. In the Lent of 1251 he was suspended from his office for a time, for his refusal to institute a certain Italian, who knew no English, to the best benefice in his diocese.[1] About the same time, he made a severe visitation of his diocese, preaching everywhere and compelling all holders of benefices not ordained, to receive the priesthood or to resign their cures. In this reform, he was, however, to some extent defeated by the dispensations obtained from the Roman authorities, by many of the non-ordained beneficed clerks in the diocese of Lincoln.[2] He made no secret as to his views about the foreigners who had been forced into English benefices by papal provisions. "If he handed over to them the cure of souls," he used to say, "he felt that he would be damned."[3] His refusal to institute the Italian nominee of the pope, just referred to, was the first actual break with the Roman authorities; but his suspension could not have lasted very long, if indeed it took place at all, since on the occasion of the dedication of the church at Hayles, on 5th November of the same year, 1251, he is found acting as bishop of the diocese, and singing the Mass at the high altar, as became the consecrating prelate. The monastery of Hayles was founded at this time in pursuance of a vow, made during a storm when coming back from Gascony, by Richard of Cornwall. At the dedication of the church there were present the king and queen and most of the great nobility. Thirteen bishops took part in the consecration, each celebrating at his own altar, and Bishop Grosseteste singing the Mass at the high altar. Richard of Cornwall himself described the celebration to Matthew Paris and told him

[1] Matthew Paris, v. 227. [2] *Ibid.*, 279. [3] *Ibid.*, 257.

that besides entertaining the royal guests and the bishops and nobles, he also provided a fish banquet for all the monks, and dined more than three hundred knights besides.[1]

One important measure, which Grosseteste had long striven to secure, he was enabled to see accomplished before his death. This was the regular appointment of vicars with fixed salaries, to work in the parishes where the benefice had been appropriated to some monastery, college, or ecclesiastical establishment.[2] Although the papal brief arranging this was dated in September 1250, for some reason or other it was not published till two years later, when a special letter from Pope Innocent IV directed Grosseteste to see that the stipends of the vicars in his diocese were increased from the sum formerly paid by the collegiate establishments and monasteries.[3]

In 1252, when the question between the archbishop of Canterbury and his suffragans as to the right of visitation was being debated in the Roman Curia, the proctor for the bishops received the papal permission to borrow the sum of two thousand marks for his expenses in the cause. There appears to have been a difficulty in securing the repayment of this loan, and Bishop Grosseteste received a letter from the pope directing him, in common with the rest of the bishops, to have collections in all the non-exempt churches of England. The money, the pope directs, was to be paid by all according to their means under the usual penalties of suspension and excommunication, the diocese of Canterbury alone being exempted.

On the same date, 5th June, 1252, the pope issued another letter, in which he speaks of a sum of four thousand

[1] Matthew Paris, v. 262. [2] Wilkins, *Concilia*, i. 699.
[3] Matthew Paris, v. 300.

marks, which had been promised him by the clergy of the province of Canterbury, but which, as he understands, they are now unable to pay immediately without great difficulty. In this document, therefore, the Holy Father suggests, and, in fact, orders, that the money be raised by a collection in the churches of the province, to which each church should contribute the sum at which it had been rated.[1] Both of these papal letters Bishop Grosseteste ordered to be published and carried into effect in his diocese.

In what was to be almost the last year of his life, Grosseteste embarked upon the most serious, as it is perhaps the best known incident in his whole career—his disagreement with the pope. Innocent IV, in January 1253, wrote to the archdeacon of Canterbury and to Master Innocent, the papal notary in England, saying that he had conferred a canonry at Lincoln, at the request of one of the cardinals, upon Frederick di Lavagna, his nephew. Di Lavagna was a cleric, and the letter directed that he should have the next vacant canonry at Lincoln, all laws to the contrary being dispensed with, and that he might be instituted to the benefice by means of his ring and by proxy.[2] When this order was communicated to Bishop Grosseteste he wrote in the strongest terms of protest to the commissioners, thinking, as both he and the other bishops of England had often declared, that such appointments were unjust and against right reason.[3]

"You know," he writes, "that devotedly and reverently and with filial affection I obey the apostolic orders; but in cases such as this, which are against the apostolic precepts, zealous for the paternal honour, I oppose and resist, as by divine law I am bound to do both." The pastoral office

[1] *Additamenta*, 213-217. [2] *Ibid.*, 229-231.
[3] Matthew Paris, v. 389.

exists, he goes on to argue in substance, for the sake of the sheep: the ministry is instituted that those in it may watch over the flock, not that they may kill and destroy it. To allow, therefore, men to obtain from the ministry merely what they could get for themselves would be a scandal and a crime. "It is impossible, therefore, that the most holy Apostolic See, to which all power is given by the Holy of Holies, our Lord Jesus Christ, as the apostle declares: '*to build up not to destroy*,' can either order, or command, or request, or connive at anything approaching a sin of this kind, so hateful, detestable, and abominable to our Lord Jesus Christ and so hurtful to the human race." This is impossible to conceive, for it would be an abuse of the power of the Holy See, which is "clearly most holy and supreme." Therefore, the bishop concludes, believing as I do, out of the very duty of obedience and fidelity by which I am bound, "as to both parents," to the Apostolic See, "and out of that love of the union with that See in the body of Christ—in a filial and obedient spirit I do not obey, I refuse and I rebel."[1]

When Grosseteste's attitude was explained to the pope, he expressed himself very strongly against the bishop's declaration. He contemplated taking severe measures against him, declaring that even the king of England was his vassal and depended upon his good pleasure for his kingdom; but he allowed himself to be restrained by the more prudent counsels of the cardinals. Some of his advisers even went so far, according to the English chronicler, as to say that in their opinion what the bishop had written was the truth. The Spanish cardinal, Giles de Torres, archbishop of Toledo, spoke in the highest terms of Grosseteste, and, pointing out that his reputation for learning and

[1] Matthew Paris, v. 389-392.

sanctity was not confined to England, declared that any condemnation of his attitude in this question would only serve to stir up the public sentiment against the Roman Curia.[1]

Bishop Grosseteste did not act hastily in this matter. The application for English benefices to satisfy the claims of foreign ecclesiastics upon the gratitude of the Curia, had become so numerous about the middle of the century, that in 1252 he determined to make an inquiry into the incomes then possessed by foreigners in England, many, if not most, of whom were absent from their benefices, and, indeed, from the country. He found that the abuse had grown greatly in the then pontificate; and, in fact, that Innocent IV had appointed as many foreigners to such livings as all his predecessors put together. The total income thus derived by foreign ecclesiastics at the date of Grosseteste's inquiry was put at the enormous sum of 70,000 marks, the ordinary revenue of the king of England at that time being hardly one third of that amount.[2] Allowing for every possible exaggeration of these figures, the state of the matter revealed by the inquiry initiated by the bishop was sufficiently grave to make him determine at all costs to arrest the evil, if possible. His opinion on the matter appears in a strong communication made by him to parliament this same year, 1252. He wished, he said, that all might be true and faithful children of mother Church, from which they had received the regeneration of baptism. It was, however, impossible to tolerate the giving away to foreigners what the pious devotion of founders had intended for divine worship, for the support of the ministers of the Church, and for the care of the poor. This was especially detrimental when these foreigners "lived in remote countries, and were

[1] Matthew Paris, v. 393. [2] *Ibid.*, 355.

men who not only aimed at carrying off the fleece, but knew not even the look of their flocks. They were ignorant of the language, neglected the cure of souls, and yet collected and carried away money, to the great impoverishing of the kingdom." English people were too patient, or too foolish; and if they did not make a stand, their country, which was of old free, would find itself saddled with the payment of a perpetual tribute. He exhorts them, therefore, to put an end to these provisions and impositions made by the Apostolic See, and not to allow men to reap where they had not sown, or those to claim their food who had not been labourers.[1]

During the heat of the summer, 1253, Bishop Grosseteste was seized with what proved to be his last illness, at his manor of Buckden. He at once sent for his friend the Dominican, Friar John of St. Giles, a skilled doctor of medicine as well as a trained theologian. With him he held long conversations about the state of the Church and the evils which, in his opinion, seemed most to threaten it. Of course, chief amongst these was the appointment of foreigners and young people to the English benefices, and the consequent neglect of souls; but even above this in importance, the dying bishop seems to place as an evil of the times, the influx of money lenders and usurers into the country, which was in his opinion mainly caused by the exactions of the papal officials. They had never existed in the country previously, he declared, and he gave instances to show that the conditions for lending money made by these men, who called themselves Christians, and were under papal protection, were harder than those made by the Jews themselves. Bishop Grosseteste's whole soul seemed filled with darkness and foreboding at the thought

[1] Grosseteste, *Epist.*, 442.

of the many evils which were, in his opinion, afflicting religion at this time, and which made him content to leave the world, where so much seemed hopelessly amiss. He died on 9th October, 1253,[1] and according to the testimony of people at the time, which the chronicler did his best to sift and prove, there were sounds of bells in the air on the night when he passed away; Pope Innocent IV, so it was said, dreamed that the bishop came to him and gave him a wound in his side, from which he never recovered; and later, miracles were said to have been wrought at his tomb and through his intercession. In after years attempts were made to procure his canonisation, but they failed, although for centuries the English people reverenced his memory. A modern writer says of him: "Probably no one had a greater influence upon English thought and English literature following his time than Bishop Grosseteste; few books written then will be found that do not contain quotations from 'Lincolniensis'!" Roger Bacon writes: "Only one knew science like the bishop of Lincoln, and Tyssyngton speaks of the comparison between him and modern doctors, being like the comparison of the sun to the moon at an eclipse."

It is only right to give here the substance of the reply made by Pope Innocent IV to the archbishop and bishops in May, 1253, to a representation sent to him in consequence, no doubt, of Bishop Grosseteste's agitation. "The Roman Church," he says, "has to bear on its shoulders all common burdens, and is ready to lighten the load of each individual. —It has lately been told us by the messengers, whom you sent to us, that the English Church is burdened in an intolerable way by the Apostolic See by the provision of foreigners to benefices, to the great loss of the said Church,

[1] Matthew Paris, v. 400-407.

and to the scandal of the English, since they assert that these provisions exceed the yearly sum of fifty thousand marks. These messengers consequently beg in your name that the clemency of the Apostolic See may provide some remedy." The pope then goes on to say that, from the bottom of his heart, he is distressed at the burdens of the Church, which are specially grave in the days in which they were living. Especially is he sorry that the English Church should feel the burden, since it has always shown its devotion to the Roman Church. But the times are specially evil, and he is constantly being importuned on all sides, and even forced to do many things, sometimes wholly against his will, sometimes with little desire to do them. In this way, some clerics, "worn out and greatly exhausted, after great labours," appeal to him for the favour of an apostolic provision, which out of paternal compassion he had granted them. Others were supported in their requests for rewards by those who could not be gainsaid: whilst there were others, again, whose appointments were useful to the churches themselves. On consideration of the complaints addressed to him by the English Church, he had come to the conclusion, he says, to propose the following arrangement, "should your opinion," he adds, "agree with ours": that the English ecclesiastics should tolerate the appointment of Italian clerics to English benefices to the annual value of eight thousand marks.

In the midst of all these difficulties, however, the internal life of the Church was by no means neglected. It would be to take an altogether wrong view of this period to suppose that all the energies of ecclesiastics were exhausted in their efforts to secure some mitigation of the taxation, which seemed calculated to interfere seriously with the purposes for which the English benefices had been

created by generations of pious benefactors. The bishops, in their visitations and by their synodical constitutions, endeavoured to sustain a high standard of Christian and clerical life among clergy and people. Grosseteste was untiring in his efforts in this regard, and he was even seriously blamed for the over-severity of his episcopal examinations and corrections. Some few notes as to the constitutions issued by the bishops at this period, will help the reader to understand what were the teachings, practices and high ideals of this period in the history of the English Church, and help to correct the impression, which might perhaps be formed from the tale of the many difficulties, that the higher aims and aspirations were lost sight of in the world of trouble and strife.

To take some examples: In 1246 Bishop Richard de la Wych, of Chichester, issued to his clergy some synodical statutes as to their duties. The salvation of our subjects, he says, rests on us by virtue of our office. "We are bound to see to their correction in spiritual matters, lest any one by want of knowledge may stray from the path of justice, or through presumption dare to contravene the canonical institutions. For this reason, in this holy synod, we propose to issue these mandates lest we, who are bound to render our account of others, may be condemned in the great examination for our own negligence." The bishop then goes on to treat in a special way of the sacraments. These, he says, "are seven—the Baptism of those entering upon the way of life; the Confirmation of those fighting; the Eucharist for those journeying along the way; the Penance of those who have wandered from it but are returning; Extreme Unction for those passing away; Orders for those ministering; Marriage for those labouring."

The constitution, speaking of Baptism at some length,

charges the priest to see that the lay people of his parish know the proper form for administering the sacrament, and when they have had need to make use of it in case of great necessity, the priest is to question them how they have performed the rite, in order to be quite certain that it has been rightly done. The font and the holy oils, as well as the Eucharist, are to be kept under lock and key. No fee is to be demanded for any baptism, confession, or burial, or indeed for any ecclesiastical ministration, but whatever is offered gratuitously may be kept. As to Confirmation, if there be any doubt, the child is to be again confirmed. Parents must present their children within a year of their attaining the proper age to be confirmed, and adults are to be asked by their confessors whether they have received the sacrament. If they have not, as soon as possible after confession, they must be sent to the bishop.

All that surrounds the altar is to be of the greatest cleanliness: the priest must see that the vestments are good and in no wise torn; the Holy Eucharist is not to be reserved for longer than seven days, but must be changed each Sunday; when the Blessed Sacrament is taken to the sick, it must be borne by the priest with the utmost reverence, with cross, lights and holy water, and preceded by one ringing a bell to let the faithful know.

For the sacrament of Penance three things are declared to be necessary—contrition, confession and satisfaction; and the need of contrition or sorrow for sins is to be insisted upon as a necessary condition for the remission of sins.

Only those who have passed a sufficient examination are to be allowed to enter the ranks of the clergy, and no one is to be ordained to sacred Orders if he come with any other design than to serve God alone; ordination, therefore, should be bestowed on no one for money, favour or

privilege, and all those in the least tainted with heresy, or suspected of evil or unholy lives, must be rigorously excluded from the service of the altar. Every parish priest ought to labour for the salvation of his people, and as far as his means will allow, he must assist the poor. All the clergy are bound to live at their own churches, and there, according to their ability, to see to the hospitals and other works of charity. All churches are to be carefully looked after, and the chalices, books, and the ecclesiastical ornaments must be sufficient and clean. On the death of a priest, if he has not in his lifetime properly seen to the care of his church, this has to be made good from the property he leaves behind him. All the faithful are to be warned that they must know the Creed, the Lord's Prayer and the Angelical Salutation. The meaning of these the priest must diligently and frequently teach to the people, at least in their native language.[1]

In another set of constitutions issued by Walter Gray, archbishop of York, in 1250, the work of the parishioners in their parish church is stated clearly. They are to be taught and made to understand that it is their duty and privilege to provide the chalice, missal and principal vestments, *i.e.* chasuble, alb, amice, stole, maniple, girdle, corporals, as well as other vestments for the deacon. According to the means of the parishioners, their churches should have a silk cope for the chief feasts, and two others for the conductors of the choir on those days; a processional cross for feast days and another for funerals; a bier for the dead and a vessel for holy water; the instrument for giving the pax; the great candlestick for Easter; the thurible; the lamp and bell used in carrying the Blessed Sacrament to the sick; the Lenten veil; two candlesticks for wax

[1] Wilkins, *Concilia*, i. 688-693.

lights; such books as the legend, antiphonar, grayle, psalter, tropary, ordinal, missal and manual; the frontal of the high altar, and three surplices; a prŏper pyx for the Body of Christ; the banners of the Rogation days; the great bells with their cords; the holy font with its fastenings; the vessel for the chrism; the images in the church; and, in the chancel, the chief image of the saint to whom the church is dedicated. Moreover, to the people pertain all repairs of books and vestments, etc., when needed; the keeping of the lights in the church, and the repairs; and indeed, when necessary, the construction of the nave. The rector has to see to the chancel with its walls, windows and ornaments.[1]

In a third set of constitutions issued by Walter de Kirkham, bishop of Durham, in 1255, the necessity of frequently expounding the moral law and of teaching the people what they should know about the sins by which God is offended, etc., is insisted upon in plain language. The clergy are to preach to the people on holydays and Sundays "in the common and vulgar idiom," about the sacraments and about the articles of their faith, and to teach them the Pater and Ave, and how they should make the sign of the Cross, lest when the laity be asked on these matters "in the last day's judgement, they shall be able to excuse themselves, by reason of the negligence of priests."[2]

[1] Wilkins, *Concilia*, i. 698. [2] *Ibid.*, 704.

CHAPTER XIX

THE POPE'S GIFT OF THE SICILIAN CROWN TO HENRY'S SON EDMUND

In the autumn of 1251, the pope, with his hands already too full of other business, became involved in considerable difficulties as to Sicily. On the deposition of the emperor Frederick II, that kingdom devolved upon the Holy See; and the situation became grave when the emperor's son, Conrad IV, landed at Naples to commence operations for recovering the sceptre. The pope could only protect, or recover his position, by the help of some prince powerful enough to dislodge the Hohenstauffen from southern Italy, and to found there a dynasty faithful to the pope, acknowledging him as overlord. Innocent IV, with this end in view, opened negotiations simultaneously with the royal houses of France and England. In the former kingdom his thoughts turned to Charles of Anjou, who, being very rich, and possessing great domains, could easily collect and support the considerable forces which would be necessary when hostilities were commenced against Conrad IV. By his marriage with the heiress of Provence, also, his estates, stretching along the shores of the Mediterranean, were not too far removed from the papal possessions to make him a useful ally. In August, 1252, therefore, not only was the offer made to Charles, but the king, St. Louis, and the count of Poitiers were asked to urge upon their brother the importance of accepting the pope's offer. At

the same time, however, Innocent IV had more than one string to his bow, and he was already in communication with others.

In the same month of August, 1252, Innocent wrote to the English king about Sicily. He had long before, he says, offered the crown to Richard, earl of Cornwall, Henry's brother. This was probably in 1250, when the earl of Cornwall paid a visit to the pope at Lyons, and is said to have had several secret conferences with him. Earlier again, in 1247, on the death of the first prince whom the pope had set up as king of Sicily on the deposition of Frederick II, a papal legate had journeyed to England to offer Richard of Cornwall this very unstable throne, which offer, however, was rejected. At Lyons,[1] three years later, the negotiations for the Sicilian crown, referred to in Pope Innocent's letter of August, 1252, were in all probability commenced, but at the time the pope's intentions received little encouragement from Richard, who was apparently not anxious to occupy the throne of his deposed brother-in-law Frederick. In his letter to the English king, dated 3rd August, 1252, the pope asks him to press his brother to accept the crown "out of reverence of God, the Apostolic See, and of us," so that "by His help whose business it is, he may attain through his temporal crown to an eternal one."[2] Richard himself received two papal Bulls, one dated 2nd August, and the other 8th August, which were doubtless couched in similar terms, and the existence of which is now known only by an ancient inventory of the papal archives printed by Muratori.[3]

[1] Matthew Paris, v. 347.

[2] Rymer, i. 284.

[3] *Antiquitates Italiae*, vi. col. 104. This catalogue was made in A.D. 1366, and is noticed by M. Elie Berger, *Reg. d'Innocent IV*, ii. cclxxix.

Failing to obtain a satisfactory conclusion by letter, Pope Innocent dispatched his notary, Albert of Parma, to England, and he reached this country on 11th November. He was not altogether unknown in the land, as two years before he had been sent to the English king to convey the pope's orders that during the absence of the king of France in the Holy Land, the English were not to molest that country in any way. The chronicler sees in the offer of the Sicilian kingdom to Richard of Cornwall, a desire on the part of the pope to make use of the great riches he was supposed to possess in defence of the Church. Earl Richard himself gave Matthew Paris his information on the subject, and the reasons stated by the chronicler for his refusal of the papal offers are thus probably correct. He was not in good health, nor very skilled in the arts of war; it did not appear right to supplant his own nephew Henry, the son of the emperor Frederick, nor was it prudent to give up a certainty for an uncertainty.[1]

Apparently the earl of Cornwall, whilst showing plainly enough his determination to refuse, asked what the pope on his part was prepared to do in the way of finding money, and of placing in his hands certain strongholds. Innocent would grant nothing of this kind, and Albert left England with what amounted to Richard's refusal. When the nuncio got back to Rome and reported the failure of his mission, he said that Richard of Cornwall had told him that if the pope would not agree to his conditions it was as much as to say, "I sell you, or give you, the moon; go and take it." And this proved to Innocent that his scheme was impossible so far as the earl was concerned.

Master Albert, the papal notary, also carried back with him a letter from the king to the pope, the terms of which

[1] Matthew Paris, v. 346-347.

gave some hope of future success for the papal diplomacy. "We offer our thanks," Henry says, "as far as human devotion can, to the Roman Church, our mother, and especially to your loving Paternity, because you have made choice of Richard, earl of Cornwall, before all other princes of the world, for the throne of the kingdom of Sicily." But when Albert, your notary, anxiously begged that we would help our brother to acquire the kingdom, we, "not unmindful of all the good and special favours we have so often received from the Roman Church, as a thankful and devoted son, have allowed him to receive proper help from the clergy of our kingdom."[1]

By the end of 1252 the successes of Conrad in the south of Italy made it imperative that the pope should find some ally to take up his quarrel, in return for the crown of Sicily. The negotiations with France were again resumed, and Count Charles of Anjou was to be pressed to accept the offer, now made by Master Albert of Parma, who had been charged with a similar mission to England. On 7th June, 1253, the title of legate was conferred upon him, and he was authorised, in carrying out this business, to contract any debts, no matter on what onerous terms, and, if necessary, to pledge the credit of the Roman Church, as well as that of all the churches and monasteries within the limits of his legation with their property and revenues.[2]

The donation of the crown of Sicily to the count of Anjou, however, was accompanied with many and very onerous conditions, which are expressed in the letter entered in the papal register, under the date of 10th June, 1253.[3] The pope had evidently allowed himself to enter-

[1] Rymer, i. 288.

[2] *Reg. d'Innocent IV*, No. 6811.

[3] *Ibid.*, No. 6819.

tain confident expectations that the count of Anjou would accept the crown, though burdened by so many conditions. The legate was authorised to give way in respect to some of the most objectionable provisions; but finally, in the autumn of 1253, negotiations were broken off, and the refusal of the crown by Charles of Anjou was complete. The nuncio, Albert of Parma, still remained, however, in France, and thence conducted new negotiations with England. In March, 1254, he wrote to Edmund, King Henry's son, that out of a knowledge of "the sincere and unbroken fidelity which the English sovereign had ever manifested to the Roman Church," and believing that the young prince would follow in his father's footsteps, Pope Innocent had determined to confer on him the kingdom of Sicily, to be held as a fief from the Roman pontiffs. He added that he would be informed as to the conditions of this gift, but that they were such as both he and the English king had already accepted.[1]

Hardly was this mooted, and indeed whilst Innocent IV was waiting with impatience for Henry to take some action to settle his son in his new kingdom, when, on 21st May, 1254, Conrad IV died. This seemed to suggest for a while a possible change in the papal policy. The pope seemed drawn to support the rights of the infant son of Conrad IV,[2] and he even allowed the insertion into the form of oath of fidelity to the papacy the words "saving the rights of the infant Conrad." Meanwhile, Henry III, "who did nothing either for the new crown of his son or for the Holy See," called himself "tutor or guardian of Edmund, king of Sicily."[3] In the previous May, 1254,

[1] Rymer, i. 297.
[2] *Reg. d'Innocent IV*, ii. cclxxxv.
[3] Rymer, i. 310.

the pope had written to urge the English king to hasten the preparations, by which it was necessary he should assert the claim of his son to the new kingdom.[1] This communication he had followed up a few days later by urging him to cut down all unnecessary expenses, "even for pious objects," in order to be able to carry out the necessary operations in Sicily, which he was to remember was "even more than any mere work of piety." Moreover, so anxious was he that something should be done at once, that he wrote also to the queen, begging of her to urge her consort to take his advice and leave other matters alone, until the all-important affair of Sicily had been arranged.[2] Nor did Pope Innocent stop here; he wrote two other letters to the English king. In the first, he told him that he had arranged for a large sum of money to help him in the task he had undertaken, one half to be paid at Lyons when Henry was ready to begin, and the rest when he needed it. In the next letter, dispatched the same day, 21st May, 1254, the pope gives the king leave to make use of the tenth on ecclesiastical property, which had been granted for three years for the expedition to the Holy Land, for the Sicilian business. The tax was extended for two years beyond the original limit of three.[3]

At the instigation of the nuncio, Henry sent to the pope, for the defence of the Sicilian kingdom in the interests of the Roman Church, whatever sums of money he could scrape together from his much depleted treasury, or which he could borrow from his brother Richard of Cornwall,[4] or could extort from the Jews. This sum was, however, soon gone, and Innocent urged Henry to let him have more;

[1] Rymer, i. 302. [2] *Ibid.* [3] *Ibid.*, 303.

[4] He borrowed 5,000 marks from the earl of Cornwall, and in payment "assigned and gave over to him all the Jews in England." (Rymer, 315.)

whereupon the king sent him signed and sealed letters, promising to find what might be needful, upon which letters the pope could borrow from the Italian money lenders what he wanted for the support of his army.[1]

It was not until April, 1255, that Alexander IV, who had now succeeded Pope Innocent, laid down the conditions upon which the kingdom of Sicily had been given to Edmund, the son of Henry III, in a lengthy Bull. He speaks of the well-known love and faithful service of the English for "their mother, the Roman Church," and how anxiously and with what generosity she watched to requite such affectionate loyalty. His predecessor had given over the kingdom of Sicily to Edmund, "out of the plenitude of his power, supplying any defect if such existed." He now, he says, desires to lay down the conditions of this gift; it is not to be divided, but held as one kingdom from the Holy See, Edmund and his successors doing homage and taking the oath of allegiance to him and his successors in the papal Chair; every feast of SS. Peter and Paul two thousand ounces of gold are to be paid to the pope as tribute, and a body of troops is to be found to serve the pope's interests at the expense of the king of Sicily for three months yearly. Then, after providing for the jurisdiction of the churches of the territory, the document demands a promise that the holder of the crown of Sicily will not strive to hold also the office of the king of the Romans, under pain of excommunication. Edmund is also to remit entirely the sum of a hundred thousand pounds, which Pope Innocent IV had promised to enable him to secure his position. He then gives the form of homage which the king, in the name of the young prince, is to take before his nuncio, and to send to the pope in a document

[1] Matthew Paris, v. 457-459.

sealed with a golden seal. This oath Edmund is to take in his own name when he reaches the age of fifteen, and at any time at the pleasure of the pope he and his successors may be called upon to renew it. Moreover, the king and his eldest son Edward shall swear to the same, and be sureties for the keeping of these conditions, until Edmund reaches the age appointed. Then comes the money question: the Bull requires that the king of England shall repay the expenses already incurred by the pope in the Sicilian business. These are put at 135,541 marks; and after three payments have been made of 10,000 marks, the pope will be content to take the king's promise to pay the rest to various money lenders of Siena, Florence, Bologna, and other parts of Italy. When the payment of these sums is secured, the king of England shall come, or send a representative, with a sufficient force, to take possession of this kingdom of Sicily. If he neither comes nor sends, then he shall lose all the sums of money he has already advanced for this business, and "he, the said king, shall be excommunicate, and the whole of England placed under an ecclesiastical interdict."[1]

Towards the end of April, 1255, the pope is found urging Henry to pay some of the money required under these conditions, and he suggests that four thousand pounds would satisfy him for the present.[2] A fortnight later, in a letter addressed to the archbishop of Canterbury and his chaplain Rustand, the new nuncio for England, Alexander IV suggests that Henry III might have his crusading oath changed into one that binds him to take up the Sicilian question[3] and defend the Church against the rebellion of Manfred, the son of Frederick the emperor.[4] About the

[1] Rymer, i. 316-318.
[2] *Ibid.*, 319.
[3] *Ibid.*
[4] *Ibid.*, 320; cf. Matthew Paris, v. 520.

same time, also, those who had received money to fight in the Holy Land were ordered by the papal letters to restore it to the king for the Sicilian business, and all sums received for absolutions from the crusading vows, and which by previous letters were to be expended on the purposes of the Holy Land, were now to be handed over for the same end.[1]

In 1255, again, the king was in great straits for money. However, as the feast of St. Edward the Confessor approached, and it seemed doubtful whether he could be present on account of business in the northern parts, he directed his treasurer to make the usual presents in his name: that is, thirty-six monks' cowls to be offered at the great silver cross on the High Altar, and a golden dish of an ounce weight, which the king was wont to offer at the Mass on St. Edward's day. Besides this, he directed that both of the king's halls at Westminster were to be filled with the poor of London, where they were to be entertained as usual.[2] The king, however, was able to be present at the feast, and taking advantage of the presence of so many nobles and churchmen, he asked them to come to his aid in money matters. He first appealed to his brother, Richard of Cornwall, to whom the pope had also written, begging him to come to his brother's assistance, and to lend him 40,000 marks towards the Sicilian expedition. The earl refused, because the whole matter had been undertaken altogether without the advice or consent of the English nobles. In this refusal the earl of Cornwall was supported by the rest of the nobility then present, who appealed to the provisions of Magna Charta, which only allowed such grants to be made in parliament.

When the king returned from Gascony, writes Matthew

[1] Rymer, i. 322. [2] *Ibid.*, 328.

Paris, "he was in debt to the amount of 300,050 marks"; but he was not deterred by this from daily scattering what he had, and hoped to have, among his foreign friends.[1]

About this same time, Rustand, the papal envoy upon whom the king had bestowed a prebend at York, commenced to preach a crusade in London and elsewhere, against Manfred, the son of the late emperor. Manfred had made an alliance, he declared, with the Saracens, and was thus equally an enemy of the Church and of all Christian nations, and the same Indulgences were promised to those who would take up the quarrel, as to those who took the Cross against the infidel. At the end of one discourse to some religious in their Chapter-house, he is reported to have added: "Be ye obedient sons: enter into an obligation with such and such a money lender, for so much money."[2]

Meanwhile, Alexander IV had dispatched one of his cardinals with an army into Apulia, to endeavour to establish some hold over the kingdom he was offering to Henry for his son. After a brief success, the papal forces were pushed back into the part of the country about Monte Cassino, known as the *Terra laboris*—the land of labour—and further disaster seemed to threaten, when, on 26th September, 1255, he wrote an urgent letter to Henry, to come quickly to the assistance of his troops, whilst the island of Sicily and some other parts of the kingdom still remained faithful to the Roman Church. Further, he insisted, that whatever else he did, the English king must at once send money and a capable leader to take charge of the operations. "Away with delays," he writes in con-

[1] Matthew Paris, v. 520-521.

[2] *Ibid.*, 522.

clusion, "Away, beloved son, with delays; for, as you know, the end is always bad for those who are prepared, to put things off."[1]

About this same time Rustand the legate, and the bishop of Hereford, who was practically the pope's agent in England, obtained letters in blank to any monastery they might please, to enable them to collect money for the pope's needs. Against the provision of the fourth Lateran Council under Innocent III, which prohibited borrowing and contracting debts, this letter urged the religious houses to raise money for the needs of the Church, by borrowing five, six, or seven hundred marks or more.[2] In the same way, but unsuccessfully, the pope tried to induce Richard of Cornwall to lend him five thousand marks.

Rustand, failing to induce the king to do anything, or to obtain much money from the bishops and nobles singly, summoned all the prelates to meet in London on 13th October, 1255, trusting that "like obedient sons, they would be favourable to what had been asked, and what was yet to be asked of them." In the assembly, after the reading and examination of his powers, the nuncio told them what he desired, which was in fact so large a sum of money, that for ever after the English Church, and for that matter the whole kingdom, would have been hopelessly impoverished. As an example of these desired impositions, the chronicler mentions that the monks of St. Alban's alone were to furnish six hundred marks for the pope's use, which they could do only by borrowing on usurious conditions, especially as Rustand and the bishop of Hereford desired to shorten the term allowed for payment. Against this, some of the bishops stood firmly opposed: it was a sub-

[1] Rymer, i. 328.

[2] Matthew Paris, v. 524. Some suspicion seems to attach to this letter.

version of the liberty of the Church, they declared, and rather than contribute, they would prefer to die like St. Thomas to protect the interests of their Sees. The archbishop of Canterbury was away, the archbishop of York had given in, the elect of Winchester was suspect in his intentions, and the bishop of Hereford was plainly and openly for Rustand and his exactions. After some days' discussion, the majority of the prelates followed the lead of the bishop of London, and refusing the demands of the papal envoy, appealed for protection to the pope himself. Their action was apparently as displeasing to the king as to Rustand himself, since Henry had, no doubt, hoped to pacify the outcries against himself on the part of the pontiff, by allowing him to plunder the prelates of his kingdom.[1] As some at the time said, "the pope and the king were like the shepherd and the wolf combining to destroy the flock."

So matters stood till the close of the year 1255. The king, in December, was pressed to find four thousand pounds, which he owed to the papal agent for money advanced to secure the crown of Sicily for his son. He endeavoured to get the money from the collector of the sums to be expended on the crusades. The collector, however, naturally hesitated to apply money obtained for one purpose to another so wholly different; and refused to do so without some surety. Henry thereupon required the abbot and convent of Westminster and other religious houses to guarantee the sum to the collector.[2]

With the new year, 1256, Rustand called another meet-

[1] Matthew Paris, v. 520-599. The method by which the tithes were to be collected is set out in the *Annales de Burton* (Ann. Mon. i. 354-360), where also past exactions from Burton are noted. For other accounts of the synod under Rustand, see *Reg. S. Osmundi*, i. 709, and *Ann. Mon.* iii. 196-198. For Rustand's questions, cf. Barth. Cotton, p. 135.

[2] Rymer, i. 334.

ing of the prelates in London, which from his point of view was not more successful than the previous one. Rustand claimed that all churches belonged to the pope, to which assertion the prolocutor of the clergy replied: "Certainly, so far as guardianship goes, but not as regards use or appropriation. Just as we speak of everything belonging to the prince, which is as much as to say, they are his to defend, not to take away; so we talk of all churches as belonging to the pope, and this, he added, was the intention of the founders." The papal nuncio, angered at this reply, demanded that every one should speak his mind for himself, so that both the pope and the king might know what were the real sentiments of all. Rustand, moreover, refused to abate any of his written demands, although it was pointed out to him that he wished the prelates to declare "that they had borrowed large sums of money from the Italian merchants, and had used it for the good of their Churches." Which statement was false in fact, and was known to be so by all. For this, if for no other reason, the prelates declared that they would rather court the martyrdom of St. Thomas, than agree to such demands as these. Upon this Rustand somewhat retreated from his position, and it was agreed to send representatives to Rome on the subject.[1]

Meanwhile, if we can trust Matthew Paris, the popular devotion of England to the Roman Church and Curia was severely tried by these demands upon the ecclesiastical revenues of the country. "We all, both prelates and people," he says, "have been hitherto noted for our devout attachment to our mother, the Roman Church, and our father and pastor, the lord pope," but during this year, 1255, and the year following, English loyalty was tested

[1] Matthew Paris, v. 532.

almost beyond endurance.[1] Still, the affair of the kingdom of Sicily was pressing; and in spite of the appeals of Pope Alexander IV, King Henry made no move. Edmund, his son, acted as if he were established on his throne, and provided in quite a royal manner for those who had served him or his cause out of the forfeited estates and other escheated possessions in the territory of which he had become the king. In February, 1256, the pope's patience became nearly exhausted, as appears in a letter he wrote on the 5th of that month to the bishop of Hereford. He had been told very frequently, he writes, about the great zeal which Henry had for the honour of the Roman Church, and how, moved by devotion towards it, he had accepted the kingdom of Sicily, trusting to the help and in the power of the King of kings. But, when it came to paying some of the great expenses which had been incurred, when it came to meeting the debts about which the money lenders were ever vexing and troubling the Holy See, nothing was forthcoming but promises which were not kept. The situation was serious beyond words, as the very churches of Rome were pledged for the repayment of the loans, and already the merchants were threatening to seize them for the debts. The bishop is consequently urged to secure a tithe of all ecclesiastical benefices in England and other lands ruled over by the English king, and also whatever money he can get from the king himself, and forthwith to send over the whole towards liquidating the debt. As to the general position, the pope declares that he is overwhelmed with astonishment that Henry has done nothing. The situation in the kingdom of Sicily has been made known to him, and he sends neither money nor men to try and retrieve the misfortunes which

[1] Matthew Paris, iii. 535.

have befallen the papal arms in endeavouring to protect what are now the interests of the English king in Sicily.[1]

It was indeed an extraordinary situation. Henry was apparently unwilling that the real state of the case should be made known in the Curia, for at this time all clerics passing through the port of Dover were compelled to swear, if they went to Rome, not to do anything against the king's interests in the matter of the kingdom of Sicily.[2] The king was at the time trying to satisfy some of his creditors, who had apparently come over to England to try on the spot to secure payment. On 17th February, 1256, he ordered the abbot of Westminster to pay 1,705 marks, 17*s.* and 8*d.* to some merchants from Siena, which Rustand, the nuncio, had certified as due to them for the Sicilian business;[3] but about the same date he wrote to his agent in the Curia, to secure some delay in the payment of the 135,541 marks, which he had bound himself to pay at Michaelmas, and which he promised still to strive to meet as soon as possible.[4] Again, on 27th March of this year, the king wrote fully to the pope as to his critical position. The bishops and nobles, he declares, will not consent to assume the obligations attached to the gift of the crown of Sicily to the English prince, Edmund, and in particular they refuse to hold themselves bound to the item of the conditions which says that we are pledged to pay 135,541 marks before taking possession. We have thus found the greatest difficulty in meeting the sums of money due to the Florentine and Sienese merchants, and "we do not believe," he continues, "that there is to-day any prince who could find so great a sum" as that demanded of us. Under these circumstances the conditions previously imposed on him are not only diffi-

[1] Rymer, i. 336. [2] *Ibid.*, 337. [3] *Ibid.* [4] *Ibid.*

cult, but have become practically impossible for him to carry out, and he appeals to the pope for some consideration. The sums of money for which he had become answerable were truly enormous, especially when it is remembered that the whole matter was practically repudiated by the nation. For example, during the latter half of May, Henry had to pay 60,000 marks to the merchants of Florence and Siena, over and above the 10,000 which he had to find for the pope and cardinals at the same time, and over and beyond these, the furnishing of the expedition would necessarily take a considerable sum of money.[1] Still, the difficulty did not appear to the king to be insuperable; for at this time Prince Edward, his eldest son, promised the pope to carry out all the conditions upon which Sicily was given to his brother Edmund, should his father, Henry, die before they were all fulfilled.[2]

At this time, naturally, every expedient was made use of to raise money. The abbot and monks of St. Alban's appealed to the Holy See against having to provide a benefice for an Italian cleric, John de Camezana, whose induction would have been specially hurtful to the interests of the monastery. Apparently the only reply that they received was in the shape of an order to pay a sum of 400 marks to certain money lenders. This sum they were said to owe to these "merchants," although it was the first they had heard of the matter, and the payment was called for under penalty of suspension. In the same way many other religious houses found themselves compelled to pay like sums, for the repayment of which the king had apparently pledged their credit.[3]

[1] Rymer, i. 337-338. [2] *Ibid.*, 338.

[3] Matthew Paris, v. 552; cf. Gervase of Canterbury, ii. 205, where it is said that all the Benedictine houses were made responsible for thirty marks at least, without their knowledge.

On 12th February, 1256, the king summoned the prelates to meet him in London "on grave and difficult affairs," after Mid-lent Sunday, informing them at the same time that his brother Richard of Cornwall had been elected king of the Romans. Before this meeting, the authority of Rustand the papal nuncio had been reinforced by the presence of the archbishop of Messina, the bearer of letters from the pope which asked the English prelates and clergy to listen to his words and advice, and to furnish him with means of support under the title of procurations. On Sunday, 2nd April, the archbishop of Messina spoke to the prelates and a great number of others in the Chapter-house at Westminster, about the kingdom of Sicily, endeavouring to make them see how important it was that the nation should enter cordially with the king into the business. The proposal, thus for the first time brought formally before the people, was debated for several days; and it was finally determined to refuse the pope's offer of the kingdom, for various reasons stated in a document drawn up in Latin and French and given to the archbishop.

At this same meeting, on Passion Sunday, 1256, Rustand the legate published various letters he had brought from the pope, giving him large and unheard-of powers for the purpose of raising money to meet the great needs of the Roman Curia. Amongst other things, he declared that the pope had granted to himself for five years the first fruits—that is the first year's revenues—of all benefices and dignities, excepting only bishops' Sees and the prelacy of religious houses. To these demands the assembled prelates refused to reply, without due time for consideration and counsel.[1]

[1] Ann. Mon. (*Ann. de Burton*), i. 384-391.

In the Easter week of this same year, 1256, the bishops were again summoned to London to reply to the demand of the nuncio Rustand. At first they were inclined to yield, but being incited to continued opposition by the barons, they positively refused to contribute to the king out of their baronies.[1] At the same time, Rustand, the nuncio, undertook to deal with the Cistercians. He summoned them to meet him on 14th May, "to hear the commands of the lord pope." Under this authority, he demanded for the pope and the king the entire value of their wool and even more, whilst "the whole world knows," says the chronicler, "that their support is entirely from their wool." The abbots refused to entertain the demand, on the ground that such a matter would require the sanction of the Cistercian General Chapter. Upon this, Rustand applied to the king to deal with them; and, for a time, many of the English abbots were subjected to much persecution, and had to meet many fresh demands upon their revenues. They at last applied to the pope for protection; and Alexander IV, on 25th May, 1256, after praising the Order of Citeaux, granted them a general immunity from ordinary taxation and wrote to the king not to trouble them with money exactions.[2]

Meanwhile, on behalf of the prelates, appealing against the nuncio Rustand, the bishops of Bath and Rochester had gone to the Roman Curia. The king endeavoured to prevent their crossing from England; but failing, he prohibited any other prelate, knight or cleric, from leaving the country. Alexander IV listened to the representations of the English prelates, and on 15th May, 1256, issued a Bull in reply. In this he says, that acting under his licence the bishop of Hereford, Aquablanca, then his agent in England,

[1] Matthew Paris, v. 553. [2] *Ibid.*, 555-557.

borrowed from two citizen merchants of Florence for the affairs of the English king 500 marks, and "although, in the letters and in the legal bond for the repayment of this loan, it is expressly stated that the money was not borrowed for your business, or for that of your monasteries, still as by it the bishop has pledged you and the monasteries and their property to the said merchants," this is to say, that if the king does not meet the debt, you are not bound beyond the amount of the tithe of your ecclesiastical revenues, granted to the king and the Apostolic See.

In June, 1256, the pope sent a reply to the king's petition to be allowed to postpone the payment of the sums of money expended by the Holy See on the Sicilian business. He again urges Henry to set on foot some expedition at once. Delay, he says, will be fatal to the prospect of recovering the portions of the kingdom already in the hands of the enemies of the Roman Church; and as to the payment of the debts, the pope thinks it best to send over a tried and faithful servant to arrange about that.[1] But apparently the pope's creditors were pressing for payment. They were not inclined to await the return of the papal messenger; for three days later, Alexander IV writes again to Henry, urging preferential consideration for Rolando Bonsignori, a Roman merchant, and his associates in Siena, Aldebrando Aldebrandi and Raynerio Bonaccursi. The pope had borrowed 1,057 marks from them for the Sicilian business and he wants them paid out of the tithe of ecclesiastical property, no matter what arrangements Rustand or the bishop of Hereford had made, and in fact without regard at the moment to the larger sum of 6,000 marks, due to certain merchants of Florence.[2] A fortnight later than this letter, on 22nd

[1] Rymer, i. 342.

[2] *Ibid.*, 343.

June, 1256, the pope sent a communication to Rustand on the question of the debts, for which the king was responsible. He had ordered, he said, that, to satisfy the most importunate of the creditors, 2,000 marks should be raised on the credit of certain monasteries and churches in England. Rustand is to collect the amount of these obligations from the abbeys and churches which have been so bound, and when it has been paid he may declare the various monasteries and churches released from the obligation contracted in their name. In order that the amount to be paid may not be doubtful, the pope enters the names of those religious houses upon the credit of which he has borrowed the 2,000 marks in question from the merchants of Florence and elsewhere. Thus the Prior and convent of Durham, for example, have to find 500 marks; Bath, 400; Thorney, 400; Croyland, 400; and the Augustinian house of Gisburn, 300.[1]

Matters still remained in the same unsatisfactory state during the whole of the year 1256. In August, two Bulls were issued by Alexander IV: the first gave Henry the fruits and revenues, etc., of all dignities and benefices in England and other countries subject to the English rule, which, on becoming vacant, by the provisions of the Lateran Council, devolved to the pope;[2] and the other, addressed to the legate Rustand, told him that at the king's supplication he had granted Henry these revenues because he knew "the sincere affection he had to the Roman Church." He charged him to see that they were given over to him without difficulty, as well as all benefices held conjointly with other benefices, which by law were confiscated to the use of the pope,[3] unless licence had been expressly given to the incumbent to hold more than one

[1] Matthew Paris, v. 581-584. [2] *Ibid.*, 344. [3] *Ibid.*

living. Curiously enough, however, at this very time the pages of the papal register contain numerous instances of this very permission being granted at the Roman Curia.[1] In the following month, September, 1256, a whole series of papal Bulls, eleven in number, dealing with the same matter, were issued by the pope; and they manifest his grave anxiety to secure the collection of the money granted to the king from the ecclesiastical revenues.[2] Still, time was running on, and apparently nothing was being done to bring the promised expedition of Henry to Sicily any nearer realisation than it had been months before. On 26th September, consequently, not to bring matters to a head prematurely, the pope wrote to the king once more extending the time for the fulfilment of his promises. Henry had dispatched the abbot of Westminster to the Curia to explain his difficulties, and to ask that Alexander IV might have patience until the coming Michaelmas. This the pontiff concedes, but he reminds the king that he will certainly expect his long-promised aid both in money and men by that time.[3] On the same day the pope sends two letters to the nuncio Rustand, bidding him compel the Scotch prelates to come to the aid of the Church in this unfortunate Sicilian business. After saying that the affection of a child is known by the readiness with which it comes to the aid of its parent when in distress, the pope continues: "The Roman Church, which by divine institution has the primacy amongst the rest, has, especially in these days, to bear the insupportable burden of expenses incurred in defending ecclesiastical liberty, and chiefly in the affair of the kingdom of Sicily. For this it has contracted debts, under usurious conditions," which it

[1] *E.g.*, Brit. Mus. Add. MS., 15,358, ff. 406, 412, 433, 447, 451, etc.
[2] Rymer, i. 345-346, 348.
[3] *Ibid.*, 348.

would never be able to meet unless helped by the bishops and clergy, etc., of Scotland and elsewhere. Rustand is to declare to the ecclesiastics of Scotland that by papal authority he has granted to the English king for his work of establishing his son Edmund on the throne, and meeting these debts wherewith the Church is burdened, a twentieth part of all the ecclesiastical revenues of the Scottish Church.[1]

A few days later than the date of these documents, the first indication is given in the papal letters that Alexander IV is thinking of relieving Rustand of his position in England. On 30th September, in a letter addressed to the archbishops, bishops, and abbots of Gascony, he speaks of sending Rustand to them as "an angel of peace";[2] and, on 6th October, he acquaints the English nuncio of this appointment.[3] Meanwhile the term of grace given to Henry to fulfil the conditions upon which Sicily had been granted to his son Edmund had again run out. He had been threatened with excommunication and his kingdom with interdict if these conditions were not carried into effect; but once more his agents at the Curia interposed their petitions and assurances, and the pope consented to a further delay of six months, from 1st December 1256. To try once more and obtain money from English ecclesiastics in order to meet the papal debts, the archbishop of Messina was dispatched to England.[4] In sending the archbishop's credential letters the pontiff again recalls the great trouble and expenses he had been put to, after the English king had accepted the crown of Sicily for his son, to defend interests which were then rather those of England than of the Holy See. An expedition

[1] Rymer, i. 349.
[2] Brit. Mus. Add. MS., 15,358, f. 477.
[3] *Ibid.*, f. 481.
[4] Rymer, i. 350.

had been promised again and again by the English king, but none had ever been dispatched. This state of affairs could not obviously be allowed to continue, and the archbishop of Messina was given full powers to take counsel and to determine what was to be done. Though unwilling to take back the crown thus bestowed upon the king's son Edmund, the pontiff felt that something must be done to bring the matter to a conclusion; he hoped, however, that Henry would not readily abandon the position he had taken up, and thus display his weakness and impotency before all the kings and princes of the world. The pope concluded by begging the king to secure what money he needed "by reconciling himself with the prelates of his kingdom, who assert," says Pope Alexander, "that they have been despoiled of their rights by him, and with all other persons" by whose assistance he could accomplish this important business.[1]

At this same time Pope Alexander likewise wrote to the king as to the state of the Church in England. The bishop of Rochester, who, it will be remembered, had proceeded to Rome to plead for the English prelates against the nuncio Rustand, had asserted, so said the pope, "that they and their Churches were much ground down in their rights and liberties by the royal power." The bishop had come to the Holy See, as others had previously come to his predecessor, Pope Innocent, asserting that these rights had been gravely injured by the king's action in regard to Sicily. Desiring to safeguard the royal honour as far as possible, and to eliminate from the question whatever might be dangerous, after consultation with the royal agents, the bishop-elect of Salisbury and the abbot of Westminster, the pontiff suggested to the bishop of Ro-

[1] Rymer, i. 351.

chester the propriety of adjourning for a time the consideration of the English grievances. "We insinuated to the said bishop," continues the pope, "that in all that pertains to the free, peaceful, and tranquil state of the said Churches, I will induce you, by God's help, so to act that neither he nor his fellow bishops, nor the other prelates, either secular or regular, need trouble themselves in the matter." This being so, Alexander IV warns Henry of the danger of neglecting the sentence of excommunication that had been pronounced by all the bishops against those who infringed the ecclesiastical liberties, which excommunication had been confirmed by the pope, and which liberties he had at his coronation, and subsequently, sworn to protect.[1]

For half the year 1257 matters continued in the same uncertain and unsatisfactory state. The archbishop of Messina came over to the country, and, having discussed the Sicilian question with the king, appears to have departed with the king's renewed assurances that he intended in a brief time to send over an expedition under an able commander and supplied with plenty of money.[2] In June, however, a letter to his nuncio seems to show that the pope's suspicions of Henry's plain dealing were aroused. Rustand had evidently written to say that the king had forbidden him to pay to the money lenders any more of the money he had been collecting from ecclesiastics, and had ordered him to lodge it all in the new Temple in London, "until it should be more certain what would be the end of the negotiations about Sicily." He had reason to complain, so said the pope, since Henry had received so many favours and grants from the Roman Church, and only recently, in order to protect the rights of the young king

[1] Rymer, i. 251. [2] *Ibid.*, 355.

of Sicily, he, the pope, had publicly excommunicated Manfred and his followers. Does the king of England, he asks, wish to see the Church sink beneath the burden of debts incurred for him in his behalf? Is he going to allow us to be harassed by the demands of money lenders? "Is this a sign of the great devotion which he pretends to have as a son for his father, not to think of how our mind must be disturbed by all this? Assuredly We never expected such a mode of action from him, nor ever imagined that he would in this way repay us for so many benefits, favours, and rich gifts." The pope then goes on to order Rustand to ignore the king's command, and, notwithstanding his prohibition, to continue to pay off the loans as he receives the money. He is to tell the king, that if he tries to hinder the payment being made to the money lenders, the pope will be compelled, though unwillingly, to proceed against him and the kingdom of Sicily as he thinks best.[1]

About the middle of the same year, 1257, Alexander IV determined to make one more effort to bring the unfortunate matter of the crown of Sicily to a conclusion, and he wrote once again to the king, that he was sending over Master Herlot as his legate to treat on the matter.[2] Herlot arrived only in the week before Easter of the following year, some time between the 17th and the 24th of March. Although he was not given the name of legate, he had the power and dignity; and "the king, according to his wont," says the chronicler, "warmly approved of his coming." Shortly before this, however, Rustand departed from England, being summoned to Rome to answer accusations which had been made against him of receiving bribes and of otherwise enriching himself through his office.[3]

[1] Rymer, i. 357. [2] *Ibid.*, 358. [3] Matthew Paris, v. 673.

Henry anticipated the work of the legate by sending powers to his agents in the Curia to renounce the crown of Sicily in his son's name should they think fit.[1] At the same time he laid before the pope a statement of what he had done in the business. He had already paid many of the debts incurred in the matter by the Church, not indeed as fully as he wished, because he had had, and still experienced, great opposition from the prelates in getting the tax on ecclesiastical property granted him by the pope. But since this delay was apparently considered to be gravely detrimental to the Roman Church, unwilling to be the cause of this, he desires to leave it to the pope to determine whether he should retire. "This being understood," the king continues, "that looking only to the honour of the Roman Church, you will so determine the said business, so that we, our heirs, and the whole kingdom of England, will obey with our wonted devotion to the Roman Church; nor, by reason of this business from which we have derived no advantage, shall we at any future time suffer loss. If we have bound ourselves to carry out the business, we have done so through the sincere affection and devotion which we have ever had for our mother the Roman Church, and not from any desire of temporal gain."[2] With this letter was sent a set of instructions to the English agents, and to those who were to represent Henry in the Curia. They suggested the possibility of securing considerable modifications of the conditions under which the Sicilian crown had been originally accepted by Henry for his son, and in view of the likelihood of these proposals being accepted, several blank skins of parchment, signed and sealed by the king and by his sons Edward and Edmund, were furnished the envoys.[3]

[1] Rymer, i. 359. [2] *Ibid.*, 359-360. [3] *Ibid.*, 360.

By this time Boniface, the archbishop of Canterbury, had returned once more to England, and by his orders the bishops and archdeacons of his province were summoned to meet at Canterbury some time about 22nd August, 1257, to consider the oppressions under which the Church in England was then suffering.[1] At this meeting articles of complaint to the number of fifty were drafted. One of the most serious was that which asserted that the king had endeavoured to prevent the prelates coming together to discuss their grievances. He had threatened them with confiscation if they did, and thus endeavoured to deprive the Church of its natural and necessary liberty. The prelates, however, wholly disregarding the royal prohibition, met according to the archbishop's summons. The articles agreed upon by the assembly appertained to the essential liberties of the Church, and the archbishop and bishops agreed to fight vigorously to maintain these rights, which were really, as the account of the proceedings states, "like to those for which St. Thomas, the archbishop of Canterbury, contended, and gloriously won the cause."[2] The taxes which had been laid upon them formed only one of the many complaints made by the ecclesiastics at this time. Yet there seemed to be no limit to the money required by the king. Almost at the very time of this meeting, in despair of receiving any protection from the Roman Curia, except when it desired to safeguard its own right of taxation, the prelates gave way under the pressure brought to bear upon them by Henry, and agreed to find him 42,000 marks for the Sicilian business. On his part the king again promised to respect and guard their liberties,

[1] Matthew Paris, v. 632.
[2] Wilkins, *Concilia*, i. 723-750; cf. *Ann. Mon.*, i. 400.

and gave his assent to the fifty articles drawn up by the bishops.[1]

Up to the end of 1257 there was little change in the condition of affairs. The pope increased his gifts of the ecclesiastical revenues in England to the king, allowing him to take another tenth for five years;[2] but the same difficulty as before was experienced in collecting these dues, in spite of the sentences of excommunication issued against those who would not pay.[3] In December, 1257, a letter to the king from the pope says that the sentence of excommunication for the non-fulfilment of his engagements was not pronounced upon him, owing to the representations made by his agents in Rome. Henry must, however, remember that delays must come to an end, and he must be careful not to find himself finally under the sentence passed against one who has forsworn himself, and his country plunged into an ecclesiastical interdict.[4] At the beginning of 1258, in two more letters addressed to Henry, the pope urges him to try and meet the creditors who have lent money for the recovery of the Sicilian possessions. His agents in Rome, conjointly with Rustand, who knew the situation in England, have pledged the king's credit for these payments.[5] As a general reply to these appeals, the king wrote to Octavian, cardinal of Sancta Maria in Via Lata, that in time he still hoped to carry out all he had promised. Notwithstanding the opposition of the English barons to the scheme, he still trusted somehow to find the means of carrying through the affair of the Sicilies by himself, in the four months still left of the period allowed him for completing the conditions of the gift of the crown to his son.[6]

[1] Matthew Paris, v. 638.
[2] *Gervase of Cant.*, ii. 206.
[3] Brit. Mus. Add. MS., 15,359, f. 153; Rymer, i. 368.
[4] Rymer, i. 366.
[5] *Ibid.*, 365, 368, 369.
[6] *Royal Letters*, ii. 126.

CHAPTER XX

THE CHURCH AND THE PROVISIONS OF OXFORD

WITH the retirement of the nuncio Herlot from England, the troublesome business of the Sicilian crown practically came to an end, so far as England was concerned. It was not, however, until the year 1263, that the right of Prince Edmund to the throne was formally renounced at the invitation of Pope Alexander IV's successor, Urban IV. On 25th July of that year, the pope announced to the English king his intention of sending over an envoy to settle the matter,[1] and the English bishops were warned to assist this mission.[2] Two days later, the letter introducing the embassy was written,[3] as well as a citation to the king and Prince Edmund, to prove their rights within four months if they still desired to claim the throne of the Sicilies. In this last communication, the pope expresses the disappointment felt generally in the Curia, that "the great power of the royal house and of the English people (which, in bestowing the crown, his predecessor had specially desired to honour), had not long ago come to the help of its mother (the Roman Church)." As nothing, however, had been done, it became necessary to take measures to relieve the Church of its responsibilities and to free the kingdom of Sicily from the many evils from which it was suffering on account of the delay. Understanding, however, that the design he had formed was not

[1] *Reg. Urbani IV*, No. 298; cf. Brit. Mus. Add. MS., 15,360, f. 233.
[2] *Ibid.*, No. 299.
[3] *Ibid.*, No. 297.

taken in good part by you (King Henry), we think it right to warn you that should you fail to fulfil the conditions upon which you received the crown for your son, within the specified time of four months, we will proceed to grant it to some one else.[1]

On the arrival of the delegate in this country, the position of the English king was indeed so critical in regard to his own people, that it became clear to the envoy, if not to the king, that all idea of receiving material or financial assistance from England must be abandoned. This practically closed the incident of Sicily so far as the English king was concerned. Herlot, the pope's nuncio, had arrived about the middle of March, and parliament was summoned to meet in London on 2nd April. The object of the nuncio was, it is said, to obtain "a clear and exact reply" as to the intention of England in regard to Sicily. He asked, in the first place, for a vast sum of money to free the pope from the obligations he had taken on himself in behalf of the king and at his request. The amount of this claim far exceeded what the barons had expected, and the meeting broke up without coming to any conclusion;[2] but shortly after, another nuncio, a friar named Mansuetus, sent at the king's request, arrived in England, possessing more extensive papal powers than Herlot.[3] His efforts, and even threats, did not, however, avail more than those of his predecessor to induce parliament to accept the burden of indebtedness in regard to Sicily.

To return to the situation in England in 1258: For a second time Herlot met the parliament at Oxford on 28th April, and whether by design or by accident, the bishops and other prelates were absent from this meeting. In the

[1] *Reg. Urbani IV*, No. 297; cf. Rymer, i. 428.
[2] Matthew Paris, v. 676.
[3] *Ibid.*, 679.

pope's name Herlot demanded a third part of all goods moveable and immoveable for his master's use. "This most harsh and unheard-of tax" caused absolute consternation among the nobles, who asked for time for reflection and consultation. To all the expostulations of the nuncio they replied that the immense sum asked would mean ruin to them, and that if the king had obtained the crown of Sicily from the pope for his son Edmund, this was done wholly without their knowledge and consent. It was an evident folly, they said, and had been treated as such by Richard of Cornwall, when the throne had been offered to him.[1] They attended the adjourned meeting at Westminster with retainers fully armed, and they demanded in the first place that the king should at once dismiss his foreign advisers, that he should renew all the charters of liberties so frequently promised, and should take an oath on the gospels to govern henceforth by the advice of a council of twenty-four Englishmen. Henry and his son Edward were unable to resist, and at once took the oath; upon this all the nobles renewed their fealty to the king.[2]

Though parliament was prolonged to 5th May of this year, 1258, nothing more could be done by the papal agents in the business upon which they had come; whilst it became more and more evident that grave difficulties between the king and his subjects were imminent. In view of these internal commotions in England, the Sicilian question remained in abeyance. If pressed it would obviously have tended to alienate the barons from the king even more than they already were; and so, on 15th August, Herlot "quietly and prudently" left England having accomplished nothing by his mission.

[1] Matthew Paris, v. 680.

[2] *Ann. Mon.*, i. 163; cf. *Flores Hist.*, ii. 417.

Meanwhile the prelates had been summoned to meet the archbishop at Merton to consider the situation from an ecclesiastical point of view. Their deliberations the previous year in the synod at Canterbury had prepared them for this more important gathering, and the resolutions carried at this second meeting traversed the same ground. Matters, they declared, had got to such a state that it was impossible to shut their eyes longer without imperilling their salvation and giving up all their ecclesiastical liberties. But they premised that in reality they asked for nothing new and for nothing that was not covered by the sentence of excommunication pronounced previously by the archbishops and bishops, and indeed for nothing that had not more than once before been approved by the king.[1]

The barons for their part determined to appeal to the pope, not alone against the exactions proposed by his nuncio, but against what they considered the disastrous influence of foreigners in England, and in order to justify their attitude of opposition to their sovereign. They consequently drew out a long letter and sent it to the Curia by a special embassy. This was followed by a second and even by a third document, which have already been referred to in a previous chapter, where also the gist of the pope's reply was given.[2] The prelates called to meet at Oxford to consider the situation and in particular the position they were to take in regard to the coercion being exercised by the barons on the king, attended in only small numbers, and they separated without coming to any decision,[3] although there was no doubt as to the side they would take, in the event of the relations between the king

[1] *Ann. Mon.*, i. 409-422; cf. Wilkins, *Concilia*, i. 736-740.
[2] pp. 321-323. [3] Matthew Paris, v. 707.

and the nation being stretched to the snapping-point. It was at this time, on the very eve of his departure from the country, that the papal envoy Herlot sent a long communication to Pope Alexander IV. He first congratulated him upon the peace which had been made between France and England, and said that in after years it would be pointed to as one of the great works accomplished by Alexander IV. The kings are now united "to serve you in fear and obey you with love. From this time forth like another Solomon you may command kings and kingdoms in the days of peace. Wherefore establish what you have accomplished," he says, "by sending the cardinal we ask you for."[1]

The writer then turns to what he calls "the second chapter" of the work entrusted to him. "The English king," he writes, "asks for a legate to be given to him in England for the better reformation of the state of his kingdom." For the unfortunate condition of things then existing the nuncio blames the weakness of the king and his arbitrary way of acting, as well as the greed of his foreign relations, who like locusts had followed one another, devouring whatever they could lay hold of in the country. At the time of writing, in the nuncio's opinion, matters had improved, and the king had pledged himself to govern by the advice of a council and had promised on oath to observe and protect the liberties previously granted by himself and his predecessors to the people. The writer then proceeds to explain at great length the advantage to the country of the new arrangement, and expresses his great hopes for the future of the land if governed in this way. He then turns to the chief object for which this letter was penned. "Though you may know," he writes, "both

[1] *Ann. Mon.*, i. 463.

the lives of all your subjects and the state of the whole world, since it is impossible for the human mind to know everything, it can in no way be looked upon as a negligence or want of care on your part if you do not fully understand everything in the wide and scattered countries subject to your rule." For this reason the writer thinks it his duty to explain some few particulars. For one thing, he assures the pope, "your devoted servant, the illustrious English king and his prelates and nobles ask earnestly for a cardinal legate to be sent to England by the Apostolic See." They are quite aware of the heavy cost of such a mission; but "moved by zeal of devotion and to manifest their faith, they would rather bear the burden of those expenses than witness the rise of scandals." They would never urge this with such persistency if there were not grave circumstances at work in the country, which seem to call for the presence of one possessing full authority to deal with the evils and their causes.[1]

With the beginning of the year 1269, the king's brother, Richard of Cornwall, now king of the Romans, returned to England. He had received a message, whilst still abroad, telling him of the new arrangements as to the government of the kingdom, and asking him to give his assent on oath to what had been done. On the 28th of January the king wrote a letter to await his arrival, urging him to take the oath asked for, and expressing his approval of it.[2] This Richard of Cornwall did, on landing at Dover, on 2nd February.[3]

The first half of the year 1259 was mainly occupied by arrangements to complete the great work of the peace with France. On 2nd August, however, the question of a legate was again raised, and the king wrote to the pope

[1] *Ann. Mon.*, i. 463-466. [2] Rymer, i. 380. [3] *Flores Hist.*, ii. 419.

formally asking for one; and he commissioned his agents in the Curia, and Rustand, the late papal nuncio in England, to explain the reasons why the pope should grant this favour for the Sicilian affair "as well as for other business" regarding England.[1] No immediate reply was, apparently, sent to this petition; but on 8th August, Alexander IV wrote to confirm a gift by the king of a certain benefice to Arlotencio, the nephew of the late nuncio Herlot, which he had bestowed upon him to show his favour to his uncle. In this letter the pope says that the nuncio on his return had given the best possible report of the king's piety and devotion, which made him desire to do all that he could to carry out his wishes.[2] In the month of September a Roman official came to England to try and arrange matters in the interminable dispute about the elect of Winchester. Against the action and bearing of this Italian prelate King Henry thought it his duty to protest. He had presented the Apostolic letters appointing him to the king and his council "as a prudent and circumspect man, zealous for peace and concord." In stating the pope's commands he had taken occasion "to declare the innumerable benefits the Roman Church had conferred upon us and our predecessors from ancient times." He had then striven to induce the king and council to receive again into the kingdom the elect of Winchester, threatening them, in case of refusal, with the papal anger. Though having every desire to carry out the pope's wish, and though mindful of many benefits received from him, it was impossible to restore Aylmer as it would not only lead to grave complications, but the king could only do it by breaking faith with his council. The king and his advisers then absolutely declared they could not, and would not, do

[1] Rymer, i. 388. [2] P.R.O. Papal Bulls, Bundle xxxv. No. 2.

what the papal agent, Friar Velascus, demanded. Whereupon he produced letters "which," says the king, "much astonished us," as they declared the sentence of excommunication and interdict if we failed to do as we were ordered. Thereupon, to prevent this, both the king and his council gave notice of their appeal to the pope, promising to show cause why the return of the elect of Winchester was impossible, and to prove that the friar by proclaiming his sentence would have been acting "against the laws and customs of the kingdom, especially since justice and right reason would not allow any nuncio of the pope, or other messenger, at one and the same time to give a command and to publish an excommunication." [1]

Early in 1260, Pope Alexander IV replied at length to the letters which had been addressed to him by the barons after the meeting at Oxford to justify their refusal of the demands made by the nuncio Herlot. In his answer the pontiff says: "You have written to us that the kingdom of England, once so rich, and the English people, once so wealthy, have fallen into a calamitous and wretched state of poverty, and the very land which used to boast the number of its wise men, now bitterly laments their paucity. You assert that this arises from the fact that there are no longer in the parish churches rectors such as were previously to be found there, who, living at their cures, used to relieve the needs of the poor, and to assist with their generous aid in the schools such as desired to learn, either in the ranks of the clergy or among their own relations."

You have written also that you and your ancestors, seeing the sanctity of the religious men in the kingdom, who appeared to seek after the salvation of souls and the

[1] *Royal Letters*, ii. 139-140.

care of the poor, freely gave over to them the right of patronage in your churches by which they chose fitting parsons for presentation to the bishops, by which arrangement the salvation of souls and the relief of the poor was greatly assisted." This good work you seem to consider as set aside because the religious have obtained permission from the Apostolic See to convert some of these cures to their own uses, and "as your prelates, that is, the bishops of the kingdom, have told you that the correction of all these grievances belongs to us, and since the bishops have written to us on the subject," we will write as to the remedy we propose in the matter.

"You have, moreover, added to your letters many hard and bitter complaints, which ought never to have been written by you to the Vicar of Christ and successor of the Prince of the Apostles." These subjects of reproach regarded apostolic provisions and appropriations of churches, which you complained of, and about which you desired to know what we intended to do. If in all you wrote you were merely actuated by zeal and love, "as we ought to believe and hope, We should rejoice that the Roman Church, your mother, had in you sons so solicitous, so loving, and so watchful" to preserve the honour of the Apostolic See, and to secure the salvation of souls. In all these provisions, the pontiff goes on to declare, he had been solely actuated by his desire to do his best for religion. He thought, and still thinks, he says, that by his concessions he is serving God, by helping the poverty of these religious men, whilst the divine worship in the appropriated church is rather assisted than diminished, and most certainly the poor will receive more from the religious people than they were wont to do. The bishops' rights, too, are safeguarded, since ample provision is made in all these appropriations

for curates with proper means of support, and for all diocesan taxations and rights.

As for what is said in their letters about the dearth of able men in England, he can only say that in no country in the world, as far as he knows, are there so many learned men to be found as in theirs. "In England resides the liberal art of philosophy, by which the rude minds of men are cultured. From England comes and has come that renowned stock of learned and holy men, in whose company the heavenly hosts rejoice and the ranks of the blessed in heaven are filled;[1] by them the Christian people are made illustrious and the Catholic faith strengthened, whilst from their hearts the deep wells of the Scriptures have sprung and still spring forth and water neighbouring lands by the stream of their teaching." He can assure them, the pope says in conclusion, that he has been mindful of the good of the English Church in what he has done, and he hopes that they will trust him to remedy anything that may be amiss.[2]

This letter of the pope could hardly have been deemed entirely satisfactory by those to whom it was addressed; since, whilst dealing with one set of acts complained of, it made no mention of other grievances, which to most people were the real cause of the trouble,—the appointment of foreigners to English benefices. Indeed, even before the pope's reply had been received in this country, a disturbance of a most serious kind had happened in regard to this very matter in London. Bishop Fulk, of that See, had, sometime previous to 1260, bestowed a prebend in the cathedral church of St. Paul upon Rustand, the nuncio in England. Rustand became a Franciscan, and died in Italy, whereupon the pope conferred his benefice upon

[1] *Corantur.* [2] Rymer, i. 392-393.

some personal friend. When this was done, the bishop was already dead, and the king claiming the appointment to benefices during the vacancy of the See, and being wholly ignorant of what the pope had done, presented his treasurer, John de Crakehall, to the vacant prebend, and caused him to be solemnly installed.

In a short time, however, there appeared in England the proctor of the pope's nominee claiming the stall for him. The archbishop of Canterbury, seeing that the document nominating the Roman was dated before the king's appointment, decided judicially that the benefice belonged to the foreigner. In spite of this decision, however, the papal claimant was refused admission to the house attached to the canonry, and failed to force his way into it. In the struggle the unfortunate proctor for the pope's nominee and his socius were killed, and the inquiry that followed failing to discover the guilty parties, it was shrewedly suspected that many in the city were not altogether displeased that the foreigners should have received a lesson. For, says the chronicler, "the English were indignant that so many Romans were frequently enriched with some English benefice, whilst no Englishman was rewarded by them (the Romans) once in a year. And because they were wont to walk as if they thought the whole earth belonged to them, the English hoped this might prove a lesson to them, and frighten them in the future from coming so often and so uselessly into the kingdom."[1]

As the year 1260 drew to a close, the pope made a piteous appeal to Prince Edward to try and stir up his father, the king, and the English barons to come to the aid of the Church, and indeed of the civilised world, by

[1] *Flores Hist.*, ii. 445.

helping to press back the Tartar hordes which then threatened to overrun the whole of Christendom. He describes them as bursting with irresistible fury over the land, sweeping all before them, and leaving in their train only desolation and ruin. To the Christian people, it appeared as if hell itself had broken loose, and they were inclined to believe the boast of the barbarians that "the God of the heavens had given over to them the entire earth." Some of the most famous Christian cities were already in ruins, and Hungary and Poland were desolated to the very confines of the Roman power. Pope Alexander, therefore, beseeches Prince Edward to consult with the king and his nobles, and to devise some measure by which Europe could be saved, and the tide of barbarian invasion arrested, if not rolled back.[1]

With the coming of the year 1261, Henry began to manifest impatience at the restraints imposed upon him by the "Provisions of Oxford." In February he had made up his mind once more to free himself from the oath he had taken to the barons. He told them that, although they had professed to act for the good of the country and to free him from debt, his experience had shown them that this was not the effect of the arrangements made at Oxford, and he asked them not to be surprised if he determined no longer to follow their advice. Acting upon this warning, Henry sent agents to Rome to obtain absolution from his oath, and he wrote to his son and the king of France to secure their help for this attempt to recover the mastery in his own country.[2] Alexander IV was not long in coming to a decision upon the royal petition. On 13th April, 1261, he issued a Bull absolving the king from the oath he had taken at Oxford. It had been proved to him, he says,

[1] Rymer, i. 403. [2] *Flores Hist.*, ii. 468.

"that you were induced by the pressure of the lords and people of your kingdom to bind yourself by oath to observe certain statutes, laws and ordinances, which they, under a pretext of reforming the condition of the country, are said to have made in your name and strengthened by their oaths." These really are calculated "to lessen your power and to lower your royal liberty." The pope then, out of the plenitude of his power, declares Henry absolved from his oath; but adds that if there should be anything in these laws and ordinances which secures the rights and benefits of prelates, churches and ecclesiastical persons, he has no intention of declaring these void, nor of freeing the king from his oath as regards them.[1]

According to the chroniclers, Prince Edward at this time also received absolution from the oath he had taken with the barons; but on being informed of the remission, he immediately renewed his promise.[2] The barons endeavoured to force the king to discuss the special points in their working arrangement to which he took exception, but they failed to obtain from him more than a promise that matters should remain as they were till the return of Prince Edward to England.[3] The pope, however, did not wait; but on 27th April, 1261, he condemned the oath of the barons, and ordered the archbishop to declare that all who had taken it, prelates and nobles alike, were to be declared absolved from any obligation.[4] A week later, on 7th May, Alexander IV directed the archbishop of Canterbury not only to publish this absolution from the oath, but to declare excommunicated any one who refused to return to his loyalty to his prince by accepting this dispensation.[5] In the same month of May, the king caused the papal dispensation of

[1] Rymer, i. 405. [2] *Flores Hist.*, ii. 466; cf. *Ann. Mon.*, iv. 128.
[3] *Ibid.* [4] Rymer, i. 406. [5] *Ibid.*

the oath to be published, so that all might know that the "Provisions of Oxford" were to be regarded as altogether set aside by the pope.[1]

On 25th May, Pope Alexander IV died, and was succeeded by Urban IV. In the August of this same year, 1261, the archbishop of Canterbury, by reason of the Bull of the late pope, felt bound to proceed against those who still held to the obligations of the "Provisions of Oxford." He ordered Hugh Bigod, for example, to be informed that unless he gave up the castles of Scarborough and Pickering he should be compelled, according to the apostolic mandate, to declare him excommunicate.[2]

Urban IV found himself in no less need of money than his predecessor, and like him, he not unnaturally turned towards England in his difficulties. On 7th September, he wrote to Leonard, precentor of Messina, his agent in England, to say that Rustand, the late papal nuncio, in his somewhat hasty flight from England, had left behind some sums of money, which were to be secured, if possible.[3] On 26th September, he again wrote to John of Frosinone to secure all money owing to the pope in Ireland, and send it to Reynerio Bonaccursi, Bonaventure Bernardini, and R. Iacobi, merchants of Siena, and bankers for the Apostolic See in England.[4] So, too, to take one more example, Albert of Parma is charged to demand from the archbishops and bishops the money which is due to the Holy See,[5] and to secure from the executors of Aylmer, late bishop of Winchester, the eighty marks which he had promised to various Roman cardinals.[6] Besides this, in December, Urban IV wrote to remind the king that the tribute of 1,000 marks, payable by England to the Holy See, was

[1] *Flores Hist.*, ii., 471. [2] Rymer, 408, 409. [3] Brit. Mus. Add. MS, 15,360, f. 1.
[4] *Ibid.*, f. 4. [5] *Ibid.*, f. 13. [6] *Ibid.*, f. 10.

overdue for two years, and that he had written to Friar John of Kent, his collector, to receive the amount and pay it to his bankers in England.[1]

The English king, on his side, in the first months of the new pontificate, thought it necessary to acquaint the pope with the difficulties which had arisen between him and the barons. On 24th October, 1261, he wrote to Urban IV to introduce the proctors he was sending to the Curia on his business. They would, he says, explain his reply to the complaints made against him by the archbishop of Canterbury and his suffragans. They would also be able to show how certain statutes had been made in prejudice to the rights of the Crown, and in his name they would ask His Holiness to annul these statutes and provisions.[2] By the first day of the new year, 1262, Henry must have received intimation from his agents in Rome that matters were not succeeding altogether as he wished in regard to his quarrel with the barons and bishops. On that day, he addressed an urgent appeal to the pope to absolve him from his oath, and not to listen to the petition of the barons. He had, he said, always trusted confidently in the wonted loving-kindness of the Apostolic See, and so now he came asking with confidence that the letter of the pope's predecessor, Alexander IV, regarding the state of his kingdom, and regulating the difficulties existing by absolving him from his oath, might be again approved.[3] At the same time, he wrote to Cardinal Ottoboni in the same terms, begging him to use his influence to secure the condemnation of the position taken up by the barons, and the absolution of their oath. This had been done before; but it could not be made use of before the death of the

[1] Rymer, i. 413; Brit. Mus. Add. MS, 15,360, ff. 24, 28.
[2] Rymer, i. 410.
[3] *Ibid.*, 414.

late pope, and he trusted that the new pontiff would renew the condemnation of his predecessor.[1] This epistle was followed up by a general communication to the cardinals in Curia in defence of one of his envoys to Rome, John Mansel, treasurer of York, who had been accused in Rome of stirring up strife between the king, his barons and bishops.[2]

Many letters, at the beginning of the year 1262, again manifest the pope's anxiety as to money matters. The archbishop of York, and other bishops, are asked to assist the work of Leonard of Messina, the pope's collector in England. Master Leonard is reminded of his duties, and told that in the Council of Lyons, Pope Innocent ordered that one half the revenues of all benefices not actually occupied by any individual should be applied for six months to the defence of Constantinople. Leonard is to consider whether it would be prudent to insist on this. He is to collect without fail all money certainly due, such as a tenth and a twentieth on ecclesiastical goods, the fines for the remission of all crusading vows, the goods of clerks dying intestate, Peter's pence, etc., etc.[3] At this time, too, there are several letters of the pope to the archbishops of Canterbury and York, and to other bishops, urging them to do their utmost to assist the Church in its great necessity. "The Roman Church, which is the head of all other Churches, and the mother of all the faithful of Christ," is in debt to Italian and other merchants, he says, and it is the duty of all sons to help her.[4]

In February, 1262, the new pope had determined to confirm what Alexander IV had done in regard to the "Provisions of Oxford." He instructed the archbishop of

[1] Rymer, i. 414. [2] *Ibid.* [3] Brit. Mus. Add. MS. 15,360, ff. 39-47.
[4] *Ibid.*, ff. 51-55.

Canterbury to declare the king, queen, and royal princes, freed from the oaths they had taken. Further, that the nobles and prelates were to be held to their oaths of fidelity, and were to be told that the promises which bound them to any statutes or ordinances against the dignity of the Crown, or in prejudice to its rights, were null and void.[1] The matter, however, did not rest here. Simon de Montfort, the earl of Leicester, had now been abroad for some time, although he still remained the real leader of the baronial party. On 16th October of this year, 1262, he suddenly returned to this country and attended a parliament held in London on St. Edward's day, which was presided over by Philip Basset, then justiciar of England. He brought with him, and produced at the meeting, a letter from the pope, approving of all the "Provisions of Oxford." The pope, in this document, declared that he and the Curia had been deceived into granting the letters absolving the nobles from the oaths they had taken to keep these "Provisions," and he recalled those letters. This papal letter to the barons was published by the earl, though against the wishes of the justiciar, and Simon de Montfort forthwith left England again, but, as the chronicler says, "leaving behind him many accomplices and followers ready to carry out his design."[2]

[1] Rymer, i. 416. [2] Gervase of Cant., ii. 217; cf. Rymer, i. 422.

CHAPTER XXI

THE WORK OF OTTOBONI THE LEGATE

THE tension between the king and the barons became more acute with the close of the year 1262, and during the course of 1263. In this latter period, the state of unrest in the country caused great distress, and the general uncertainty of the times is illustrated by the cessation at this time of many of the monastic chronicles. In 1261, Henry had felt himself strong enough to break away from the control of the committee of management imposed upon him by the "Provisions of Oxford." He raised an army, and seized the Tower of London: but quickly recognising that he was too weak to come to actual blows, he again consented to place himself in the hands of the party of Simon de Montfort.

Meanwhile, the pope supported the king's authority as far as was possible under the circumstances. In January, 1263, he refused to ratify some ecclesiastical statutes which had been passed in synod, because the bishops had not obtained the royal licence to publish them, and against which Henry had protested by his agents.[1] The following month, Urban IV wrote to Archbishop Boniface condemning the "Provisions of Oxford," and the general attitude of the nobles of England towards their king. He declared that the oath which the king took to abide by the statutes was void; and that he and all those who had sworn to

[1] Rymer, i. 424; cf. Wilkins, i. 759.

observe these statutes and provisions were absolved from their promises. He further directed the archbishop to use his authority against all who abided by these oaths in spite of this absolution, or who in any way pretended that their association had papal approval.[1]

In the June of this same year 1263, the pope recalled his agent, Leonard, the precentor of Messina, and in his place appointed an English Franciscan, John of Kent.[2] At this time, mainly through the exertions of Richard of Cornwall,[3] Henry was enabled to treat with his barons for some *modus vivendi*, likely to put an end to the civil strife, which now seemed almost inevitable. The bishops of Winchester, London and Coventry, were sent to the king on behalf of the barons with draft terms of peace;[4] and Henry so far accepted their solicitations as to assume that the whole matter was accomplished satisfactorily, and directed the return of certain castles into his hands.[5] This the holders of these fortresses considered as at least premature, since the peace had only been suggested and not as yet ratified.[6]

In the midst of this uncertainty, and whilst the negotiations between the king and the barons were in a very critical state, the pope directed his new agent, the friar, John of Kent, to press for the payment of the tribute due to him.[7] At the same time he wrote to warn the English king that the question of the crown of Sicily must be settled once for all, and that he was sending over a special envoy to arrange the business,[8] urging the bishops of England to assist in bringing this interminable affair to a conclusion. In the following month, August, 1263, the king's brother, Richard of Cornwall, was nominated king of the Romans,

[1] Wilkins, i. 760. [2] Brit. Mus. Add. MS. 15,360, ff. 223-225.
[3] Rymer, i. 427. [4] *Ibid.* [5] *Ibid.* [6] *Ibid.*, 428.
[7] Brit. Mus. Add. MS. 15,360, f. 239. [8] *Reg. Urb. IV*, ii. No. 298.

the other candidate being Alfonso of Castile.[1] By the end of the month, the pope informed the earl of his election, and explaining to him the meaning of the title "King of the Romans," warned him of the duties implied by the position. In a letter addressed "to all faithful Christians," Pope Urban once more proclaimed that all oaths taken against theEnglish king were unlawful. It was the devil, he says, who had stirred up these conspiracies "in a country which for long ages has been specially devoted to God and the Apostolic See."[2] On 16th September, he ordered William, the archdeacon of Paris, to proceed at once to England to act as his nuncio, with power to dispense the king from any oaths to the barons which might hamper his action, and in any other needful way to protect his royal person.[3] On the same day the pope wrote to urge Richard, the elect king of the Romans, as he is now called, to help the English king out of his difficulties with his barons,[4] and blamed him for hitherto favouring the combination against his royal brother.[5] At the same time, Urban IV shows that he is not wholly disinterested in preserving the peace, for in a letter to King Henry he reminds him that the current yearly tribute of a thousand marks remains unpaid, together with two years of arrears.[6]

The refusal of the custodians of Dover Castle to admit the king and his officials and to surrender their charge to him, almost precipitated an open conflict between the adherents of Henry and those of the earl of Leicester. The latter gathered his forces in London and proposed to march to the relief of Dover; but a truce of eight days being agreed upon, during that time both parties joined in asking the

[1] *Reg. Urb. IV*, ii. No. 358. [2] Brit. Mus. Add. MS. 15,360, f. 266.
[3] *Reg. Urb. IV*, ii. No. 718. [4] *Ibid.*, No. 724.
[5] Brit. Mus. Add. MS., 15,360, f. 280. [6] *Ibid.*, f. 269.

arbitration of St. Louis, king of France, whose upright honesty was acknowledged by all the world. Both parties pledged themselves to abide by the decision of the French king.[1]

Meanwhile the pope took action. On 12th November, 1263, Urban IV wrote to the English king that he had determined to dispatch a legate to England in the person of Guy Foulquois, who had been created cardinal-bishop of Sabina two years before,[2] and who afterwards succeeded to the papal throne, under the title of Clement IV. Regarding him as the most likely member of the college of cardinals to be able to deal with the civil disorders in England, the pope bestowed upon him plenary powers,[3] and wrote to the French king to bespeak his assistance for this mission.[4] In regard to the bishops, whom the pontiff regarded as rebels because they notoriously sympathised with the party of the earl of Leicester, the cardinal-legate was given special faculties to suspend and correct them.[5]

St. Louis was not long in coming to his decision. The English king and his son, Prince Edward, had crossed the sea to meet the arbitrator at Amiens on 2nd January, 1265, and thither also went some representatives of the barons.[6] After three weeks' inquiry into the scope and meaning of the "Provisions of Oxford," on the feast of St. Vincent, martyr, 22nd January, the French king gave his award, which was called the *Mise of Amiens*. It was entirely in favour of King Henry, on the ground that the statutes were destructive of the royal authority and subversive of his power, as subsequent events had already shown. St. Louis, however, expressly disclaimed any wish or intention to declare him-

[1] Gervase of Cant., ii. 231; cf. *Royal Letters, Henry III*, ii. p. 251; Rymer, i. 433.
[2] *Reg. Urb. II*, ii. No. 583. [3] *Ibid.*, No. 588. [4] *Ibid.*, No. 586.
[5] *Ibid.*, No. 589-597. [6] Gervase of Cant., ii. 232.

self against the charters of liberties which Henry or his predecessors had granted to the English people.[1]

The barons, although they had pledged themselves to obey the finding of the French king, were reluctant to do so after the decision. Henry, on his return to England, landed at Whitsand on 8th February, 1264, and thence sent to demand admittance to Dover castle. This was refused once more. Before leaving France, the English king had sent to acquaint the pope with the result of the arbitration at Amiens; and on 14th March, the pope sent to congratulate him and to express his own feelings, promising to confirm the decision of St. Louis when the full text of the document should reach him.[2] This he must have received immediately; for, on the following day, the letter of approbation was dispatched to England. After reciting the terms of the award, Urban IV says, that being asked both by St. Louis and King Henry to approve the decision, he hereby ratifies and "confirms it by his Apostolic authority."[3] The day following, the pope wrote to the archbishop of Canterbury, directing him to compel obedience to this judgement of the French king, now confirmed in all its parts by the papal authority, even by the use of the spiritual sword of excommunication, should this be necessary.[4] The failure of the barons to keep their word to abide by the decision of St. Louis, no doubt alienated many who had hitherto been well disposed towards their efforts to procure right government. This was especially the case with some of the bishops, with Richard of Cornwall, and even with Prince Edward, who had shown himself against the king in his misgovernment. Still, the party supporting Simon de Montfort maintained its hold over many power-

[1] Rymer, i. 434.
[2] *Reg. Urb. IV*, ii. Nos. 766, 767.
[3] Rymer, i. 436.
[4] *Ibid.*, 437.

ful adherents, and actual civil war began early in the year 1264, only a very brief time after the date of the decision of St. Louis, by which it was hoped the national discontent would have been allayed. Against the popular party the pope continued to issue his condemnations. He declared null and void all promises and oaths against the finding of the French king, and ordered the archbishop of Canterbury to make this known.[1] He is distressed to understand that serious dissensions are rife between "the English king, who is known to be the devoted subject of God and the See Apostolic," and the people of the kingdom, whom as his specially beloved sons, the pope embraces with loving arms: and he tells them they will incur the indignation of God if they do not retire from all combinations and conspiracies against their sovereign.[2]

On 14th May, in a battle at Lewes, in Sussex, Simon de Montfort's party was entirely successful. The king and his brother, Richard of Cornwall, and most of the leaders of the royalists, fell into the hands of the insurgents, and the following day, rather than continue the civil war, Prince Edward gave himself up to share his father's fate.

Meanwhile, the legate Guy, cardinal-bishop of Sabina, was on his way to England with "a large retinue," and "having the power of both swords," as the annalist of Dunstable calls it,[3] by which to put an end to the civil dissensions in England. Matters had come to a head more quickly than could have been foreseen, and when the cardinal reached Boulogne, Henry was already in the hands of his opponents. On 27th May, a messenger crossed to Dover, bringing letters to the English bishops which summoned them to meet the legate on the opposite side of

[1] *Reg. Urb. IV*, ii. Nos. 776, 777. [2] Rymer, i. 438.
[3] *Ann. Mon.*, iii. 333.

the Channel. The barons were unwilling to allow all the prelates to depart from the country, and two only of their number, the bishops of Winchester and London, were deputed to cross over to Boulogne and represent them. The cardinal was very displeased at the non-arrival of the bishops, and uttered many threats against them. The two who had come got no satisfaction from their interview, and in a short time returned to Dover, bringing with them a sentence of interdict against the country. This document being found in the baggage of the bishop of London by the governor of Dover, it was promptly torn up and thrown into the sea.[1] In their interview with the legate, the two bishops had protested against the interdict, and against the sentence of excommunication which the cardinal proposed to proclaim against the citizens of London and of the Cinque ports, as well as against the earl of Leicester and his followers generally.[2] Shortly after the return of the two bishops from their interview with the legate at Boulogne, the prelates were summoned to meet in London. At this assembly they drew up a protest against the action of the legate, and an appeal against his sentence of excommunication and interdict. They were ready, they declared, to justify before any tribunal their conduct in acting towards the king as they had done, inasmuch as during the disturbances their ecclesiastical rights had been set aside and their privileges disregarded. At a public assembly, all—including the king and the barons—had pledged themselves to support the rights of the Church, and had agreed to safeguard this by sentence of excommunication. They protested that they had nothing to accuse themselves of,

[1] Gervase of Cant., ii. 239.

[2] *Fiores Hist.*, ii. 501. The chronicle of Thomas Wykes (*Ann. Mon.*, iv. 156), seems to place the interview between the legate and the two bishops in September, but it seems more probable that it was in June.

and they now appealed from the legate to the Holy See and to a general Council. This appeal was sanctioned by the synod of clergy on 19th October;[1] but Guy Foulquois, the cardinal-legate, had already given up any idea of being able to set foot in England, and had by this time turned back on his journey Romeward.[2] On 2nd October—even before the synod of the clergy in London—Urban IV died, and on 5th February, 1265, after a delay of some months, Guy, the cardinal of Sabina and late legate to England was chosen as his successor. Gervase of Canterbury, in chronicling this fact, adds that the new pope never forgot the fact of his being refused an entry into England, and as pope never showed himself too favourable to the English bishops and nobles. On the other hand, at the request of the king's agent, William Bouquer, he, on his accession, at once granted Henry, for three years, a tenth of all ecclesiastical possessions in his kingdom, to help him in the expenses incurred during the civil war.[3]

On 18th October, 1264, after setting out on his journey, and, although unknown to him, after the death of Pope Urban, the cardinal-legate issued a letter describing the situation in which he found himself. It was addressed, indeed, to the archbishop and suffragans of Rheims, but it was intended evidently for the information of all whom it might concern. He had been prevented from exercising his legation, he says, by the action of the earl of Leicester and others. Under these circumstances, in virtue of the special powers he had received, allowing him to exercise his legatine faculties across the seas, on 8th August, in the church of our Lady in Boulogne, he publicly admonished the earl and other nobles, to allow him to cross over into

[1] *Ann. Mon.*, iii. 234. [2] Th. Wykes, *Ann. Mon.*, iv. 157.
[3] Gervase of Cant., ii. 242; cf. *Flores Hist.*, ii. 502.

England before 1st September following, under pain of excommunication, to take effect on them and all who should aid them. He further declared, at the same time, that the city of London and the Cinque Ports were placed under an interdict; all of which sentences, as they did not obey at the time specified, had now (18th October), fallen upon those against whom they had been pronounced. Further, on the same day and in the same place, by special command of the pope, he had, he says, warned all the English nobles to return to their full allegiance to their sovereign, ordering them to give full and free liberty to the king, his brother, the king of Germany, and their heirs, whom they held captives. Lastly, also by special command of the pope, those who had bound themselves together by any oath against the king were warned that their oaths were null and void, and that they must seek dispensations from the legate. As all had neglected these warnings, before finally departing from the parts near the sea coast, the legate solemnly pronounced a sentence of excommunication by name against Simon de Montfort and the earls of Gloucester and Norfolk, against their adherents generally, and against the Londoners and the people of the Cinque Ports specially. Further, the whole country was declared to be under an ecclesiastical interdict, the king's chapels alone being excepted from the general sentence, and even in them services had to be celebrated in low tones and with closed doors.[1]

It is now impossible to say what effect the denunciations of the legate had upon the earl of Leicester's party, or upon the Church. Possibly these grevious sentences of excommunication and interdict remained unknown until later, as there is no apparent evidence of the existence of

[1] Rymer, i. 448-449.

any ecclesiastical interdict at this time in the life of the country. The document in which they are contained is, however, evidence of the outraged feelings and bitter disappointment of the legate, Guy Foulquois, on the failure of his mission of pacification, and this on the very eve of his election to succeed Urban IV on the pontifical throne. By the beginning of May, 1265, hardly more than a couple of months after his accession as Clement IV, the new pope had determined to send Cardinal Adrian Ottoboni as legate to England with ample powers, to be exercised also, if he saw fit, in Ireland and Scotland.[1] On the same day as this commission was registered, 4th May, a whole series of documents attest the determination of Clement IV to provide against every emergency that might arise in the course of the difficult business committed to the cardinal. The bishops of England are warned to receive him and help him, and he is given plenary powers to relax all suspensions and interdicts, as well as to proceed against all who are still in a state of rebellion against their sovereign; he is empowered to deal summarily with any Germans who may be found aiding the rebels, and should the attitude of hostility against the king on the part of the archbishop and bishops seem to require it, he may order a crusade to be preached against them in Europe.[2]

On the following day, 5th May, further powers were bestowed on the cardinal to the same end. He may absolve the king from all oaths taken under stress of circumstances, and may do the same for ecclesiastics. He is to compel all, whether clergy or lay people, under the most severe penalties, to give back to the king any lands or buildings they may be holding under the authority of the rebels. He may cite any person under severe pains and penalties

[1] *Reg. Clement IV*, i. No. 40. [2] *Ibid.*, Nos. 41-43, 56, 57, 66-68.

to come to him at any time, even when he is over the sea; and he may cross to England and recross, without loss of his legatine faculties. If any ecclesiastic is disobedient to him, he is to cite him to answer for his contempt before the pope. In regard to secular clerks who are found recalcitrant, without further delay he may declare them deprived of all their ecclesiastical privileges. In regard to regulars, the special legatine powers were no less ample; and he is ordered to place censures on all who do not show proper respect to his person or his suite. A special brief declares that all his powers are to be considered as of the most ample kind possible; whilst, if he cannot enter England, all these powers may be exercised out of the country. He is empowered to grant an Indulgence of a hundred days to all who will join in preaching a crusade, or will fight against the rebels; and to all pious ladies who may assist him, the cardinal may give the privilege of entering the inclosure of any monastery once a year.[1]

During the course of the month the legatine faculties were still more amplified; and Cardinal Ottoboni was given permission to reward his suite with English canonries and prebends, and with benefices without the cure of souls, in the case of such as were not in Holy Orders. To meet expenses, he is empowered to levy a tax of a tenth on all English ecclesiastical property; and to consolidate the work of pacification, he is to compel the nobles and prelates to renew their oath of fealty to their sovereign.[2]

Whilst Ottoboni was preparing for his departure, events were following each other with considerable rapidity in England. In the month of July the letters of the pope show that the cardinal still lingered on in Rome, and up

[1] *Reg. Clement IV*, Nos. 45-54, 58-59, 64, 72.
[2] *Ibid.*, Nos. 55, 65, 69, 73, 74.

to the 19th of the month some additional powers were given to him, and some special points of advice impressed upon him. If England refused to receive him, for example, as it did the pope under similar circumstances, then he was to declare the whole country placed under an interdict, and that the excommunication, already pronounced by the pope himself when legate, against certain barons, and against London and the Cinque Ports, still held good. Further, in the case of the English refusing to receive him, the cardinal was to publish in France a prohibition against anyone marrying into the family of a rebel; to declare that all ecclesiastical elections or appointments to benefices were void, until his orders have been obeyed; to deprive the sons and nephews of all rebel nobles and ecclesiastics of their benefices; and finally to declare that if the people persisted in their rebellion, and did not heed his commands, the pope would give over their persons and their property to others.[1] At length, on 19th July, 1265, Pope Clement told the legate not to delay any longer, but to start at once on his mission,[2] which, apparently, he did shortly afterwards.

When Ottoboni finally reached the sea at Boulogne, in the October of this year, 1265, the situation in England had changed considerably. On 28th May, Prince Edward, whilst at Hereford, had succeeded in escaping from the custody of the de Montfort party, and, on 4th August, had fought the celebrated battle of Evesham, in which Simon de Montfort was killed and his power broken. Though this did not, indeed, end the civil war, which dragged on for a couple of years longer under the three sons of Simon, it rendered the work of the legate very

[1] *Reg. Clement IV*, Nos. 115-121.

[2] *Historical Review*, 1900, p. 87, note from *Neues Archiv.*, xxii. 350.

different from what had been anticipated for him. Whilst on his journey towards England Ottoboni sent forward letters to the archbishop of Canterbury, explaining that the Church must regard the rebellion in England as the work of the enemy of man's salvation, and that he, having been sent to try to put an end to the disturbances, would look for help and assistance in the work to the head of the English Church. He trusted that the attitude of the bishops might not oblige him to have recourse to harsh measures, but that by their help he might be able joyfully to return to the mother who sent him, "carrying with exultation the sheaves of salvation and gladness."[1]

At the same time, from Savoy, the legate wrote to encourage the king. "After the labour, in which mother Church," he writes, "has begot to Christ, her Spouse, the peoples of your kingdom; after she has, by the help of the Holy Spirit, instructed them in the true faith, has filled them with knowledge and learning, and has adorned them with many graces," nothing can be more bitter and grievous to her, than the turn the new disturbances have taken in these late days. The pope, just before his elevation, had sought to probe the wound, but had failed to find a remedy; and now, placed in a higher position, he has felt the matter more keenly, "having to carry on his shoulders this and the other burdens of the world, which he has received from the hand of God Himself." His heart at once turned towards you, and, looking at the desolation of the kingdom, he thought how by an embassy "to the kingdom and Church of England, that great and illustrious member of the Christian world, founded on the faith of the Eternal God and our Saviour Jesus Christ, he might bring consolation in all its troubles, with tranquillity after the storm of

[1] *Hist. Review*, 1900, pp. 87-88.

revolution, and rest after the tempest." For this end, the legate continues, the pope had made choice of him, and after a difficult and circuitous journey, to avoid the enemies of the papacy, by the help of relations and friends he has reached Savoy, and he hopes with God's help, to come quickly and to fulfil his mission.[1]

To the college of cardinals, Ottoboni writes shortly after, that he had reached the French court on 29th August, 1265. He found St. Louis, he says, "like a strong and central column in the deserted house of God." He was received by him with all honour; and whilst in Paris, taking counsel how best to fulfil his mission, letters reached him from the king of England and the king of the Romans, with others from Prince Edward, the heir to the English Crown. Advised by the French king, he sent forward messengers to bring him word if he could safely cross into the country; and they had returned with the account of the "miserable end of the earl of Leicester,"[2] contained in the royal letters.

Before Ottoboni reached England, it became known to the pope that, by order of de Montfort, a tithe of ecclesiastical property had been collected to help the movement of the revolution. Clement IV wrote at once telling the legate to take possession of whatever portion of this tax remained yet unspent, and by censures and other ecclesiastical penalties to get this money out of the hands in which it was found to be.[3] At the same time, he dispatched a mandate to the English prelates to hand over to Ottoboni whatever of this tax they still had,[4] and forwarded a Bull declaring null and void all conventions or conspiracies against the king, as well as all promises made

[1] *Hist. Review*, 1900, p. 88. [2] *Ibid.*, p. 90. [3] Rymer, i. 458.
[4] *Ibid.*, 459; cf. *Reg. Clement IV*, i. No. 234.

by him whilst in the power of the earl of Leicester and his followers. In this last document, the pope refers to his own experience as legate, and to the sentences of excommunication and interdict which he had, in that capacity, passed upon the rebels. Since that time, he says, many acts had been done, documents signed and grants made, whilst the king was in captivity, purporting to have come from the Crown "freely and spontaneously"; and some of these were given on the promise that the recipients would not ask, or indeed receive, the approval of the Roman See. Some of the bishops, also, had sanctioned these acts by sentences of excommunication against any one attempting to set them aside. "Seeing, therefore," says the pope, "that the Lord, setting our humility over peoples and kingdoms, has committed to our unworthiness the care of all nations and kings," we declare all these acts null and void, absolving the king from all oaths and promises so taken, declaring that the sentences of excommunication pronounced as above by the bishops are without force and effect.[1]

When penning these letters, on 4th September, Clement IV was still unaware of the defeat and death of the earl of Leicester at the battle of Evesham a month previously. He knew that Prince Edward had succeeded in obtaining his freedom, and he added another letter to him, congratulating him on his escape, and exhorting him to do his utmost to rescue his father, the king, out of the hands of his enemies.[2] In a second Bull, addressed to Cardinal Ottoboni, he recites the critical state of affairs in England as he understands them, and tells him to warn all to forsake the party of the earl of Leicester, under the penalties of excommunication. He has, he says, renewed publicly in

[1] Rymer, i. 459; cf. *Reg. Clement IV*, No. 228.
[2] *Ibid.*, 460; cf. *Reg. ut supra*, No. 229.

the cathedral church of Perugia, whence he writes, the sentences formerly published by him as legate, on the Thursday in the Holy Week last past, and he desires Ottoboni to publish them in the Church of France, and, as far as possible, in that of England.[1] A few days later, these instructions were followed by two letters, written on 13th September, which also show that the pope was still ignorant of de Montfort's fate. In the first, Ottoboni is charged to compel all English ecclesiastics who have preached anywhere in favour of the national movement to unsay their sermons in the same places; and in the second, the legate is told to order the clergy to denounce de Montfort and other rebels as excommunicated, on the Sundays at the usual time and place.[2] In reply to the legate's communication, Clement IV tells him, on 19th September, that he can best learn what to do from Prince Edward. He should apply to the French king for help, and preach a crusade against the rebels. He gives him faculties to absolve the bishops of London, Worcester, Lincoln and Ely, but he is to suspend from office any bishops or ecclesiastics who side with the rebels.[3]

A few days later, the news of the king's liberation must have reached the pope; for, on 22nd September, he writes to authorise his legate to absolve Gilbert, earl of Gloucester, who had been expressly named in his sentence, but who was known to have taken a considerable part in obtaining King Henry's liberty.[4] By a Bull, dated the same day, he gives the king the tenth of all ecclesiastical property, which had been levied whilst he was still in the power of the earl of Leicester.[5] Letters of congratulation follow. That addressed to the king on 4th October, evidences in its language

[1] Rymer, i. 459; cf. *Reg.*, No. 230. [2] *Reg. Clement IV*, i. Nos. 230, 233.
[3] *Ibid.*, No. 956. [4] Rymer, i. 462. [5] *Ibid.*

the supreme exultation felt by Clement at the news of the king's liberty, and he urges him to be careful how he uses his power in punishing his enemies: "the power of a ruler," he says, "is strengthened by clemency."[1] To the prince, the letter of the pontiff was full of good advice and earnest exhortation to be thankful to God for all His mercies, and to take warning from the past. He is to know "that rulers are made more powerful and secure by mildness than by cruelty. Show yourself ready to forgive your enemies," he writes, "and let not the memory of your recent injuries, nor the suggestions of any one, induce you to act cruelly towards them. Bind them to yourself as friends by your benefits, which make faithful out of unfaithful subjects; and in order to make true friends of your enemies, be reconciled with them. With regard to the prelates, whom you have good reason to suspect, . . . out of reverence for Him who has helped you, when in great danger, with His loving protection, . . . do not lay your hand in punishment on them, but following in your Father's footsteps, show due honour to the Churches and ecclesiastics of the kingdom."[2]

On Thursday, 27th October, 1265, the legate Ottoboni reached England in company with Henry's queen, who had been for nearly two years in France. The king was at Canterbury awaiting their arrival; and the day following, the queen went thither to him, in order to assist in the cardinal's reception there on the next day, Saturday, at which, besides Henry, the king of the Romans and a vast number of nobles and prelates were present. The party rested at Canterbury until after the feast of All Saints; and on Tuesday, 2nd November, the king and queen accompanied the legate to London.[3] The king had summoned a

[1] Rymer, i, 463. [2] *Ibid.*, 464. [3] *Chron. T. Wykes* (Ann. Mon., iv. 179).

parliament to meet him at Northampton; and thither the queen and the legate also went, stopping at the monastery of Dunstable both going and returning.[1] At Northampton, the legate appears to have published his sentence of excommunication against those who still adhered to the party opposed to the king. The first meeting of Ottoboni, however, with the clergy generally, was on 1st December. In the course of November, the pope had written to his legate, and after describing to him the trouble in which he himself was involved in Italy, he referred to his former letters, and told Ottoboni not to show grace and favour to the four bishops previously named, that is, those of Worcester, London, Lincoln and Ely, as further information seemed to show that they were not worthy of it.[2] Another letter, or rather a series of letters, entered in the papal register at this time, is worth recording. The archiepiscopal See of York had been vacant since the death of Godfrey de Ludham, some months previously; and, on 24th November of this year, 1265, Pope Clement IV provided to the See Friar Bonaventura, then minister-general of the Franciscans, and one of the greatest theologians of the day. He was subsequently created a cardinal, and is now known in the Church's calendar as St. Bonaventure. All the necessary documents were drawn up, including letters to the king, to the Chapter, to the suffragans, to the citizens of York, and to the vassals of the archiepiscopal estates.[3] The great man, however, begged to be excused from taking up such a burden in a foreign country, and the appointment fell through.

In the council of clergy, assembled to meet the legate in London, on 1st December, Ottoboni suspended several

[1] *Ann. de Dunstaplia* (Ann. Mon., iii. 241). [2] *Reg. Clement IV*, i. No. 978.
[3] *Ibid.*, i. No. 171; cf. Moreri, *Dictionnaire*, s.n.

of the bishops for their attitude to the king during the troubles. Against this sentence the bishops of Winchester, London, and Chichester, solemnly appealed to the Holy See, and went to the Roman Curia. The bishop of Worcester, Walter de Cantilupe, though unable through infirmities to undertake the journey, still maintained an uncompromising attitude as to his former actions.[1] He died on the following 12th February, when the legate forbade the Chapter to make choice of a successor; but, through the action of the king, the monks afterwards elected Nicholas of Ely, the chancellor of England.[2]

Sometime in January, 1266, Ottoboni wrote to the pope as to the state of public affairs as he had found them on his arrival in England. The nation, when I came to it, he says, "had somewhat forgotten its redemption, and by what labour mother Church had brought it forth, and nourished it with its daily food." On reaching the country, he had, he says, "endeavoured to meet those who had erred in these troubles, and make them feel true sorrow." Many of the people showed themselves desirous of obtaining the grace of absolution; but others, who might have been expected to proved themselves columns of support by reason of their pastoral office, had as yet kept silence, and not to make matters worse, he had as yet done nothing.[3] To the superior of some religious house in England the legate wrote about this time at great length, pointing out how in the history of God's dealings with men He has punished those who have turned a deaf ear to the monitions of the Church, "the spouse of Christ and mother of all the faithful, who by God's power makes and ministers the heavenly food" to her sons. It is the part of teachers, he declares, to proclaim without fear the duty and obligation of all, as

[1] *Gervase of Cant.*, ii. 243. [2] *Ibid.*, 244. [3] *Hist. Review, ut sup.*, p. 91.

did "the glorious martyr St. Thomas" and others, whose lives the holy Roman Church has approved. He adds that those, who have fought as they have done against the king cannot be absolved except by the pope, or by the powers he has granted to his legate, unless in the case of death. This he bids all religious to make known in their preaching and teaching.[1] To one who persisted in his rebellious attitude to the king, Ottoboni wrote most severely, and warned him of the danger that must follow to himself and to the nation in continuing this state of hostility.

A letter from the pope to his legate, dated 8th May, 1266, shows that the cardinal kept him informed about the various steps taken in the pacification of the kingdom. He is glad to hear that the inhabitants of the Cinque Ports, and the dwellers along the southern coasts of England—whom (partly no doubt in recollection of their treatment of himself when legate), he calls *maris latrunculos*, sea-robbers—have returned to their duty to their sovereign.[2] He speaks also in his letter of the process instituted against the bishops of London and Chichester, which had commenced in the Lent of this year, and had been continued till Easter, when they had been cited to appear before the pope in person.[3] It is not uninteresting to note in these letters of the pope to the cardinal that Clement IV enters, with considerable detail, into the troubles which afflict him in Italy and elsewhere, for the information of Ottoboni, whom he evidently regards as one of his chief advisers in the government of the Church.[4]

[1] *Hist. Review, ut sup.*, pp. 92-94.

[2] This was on 18th March, after they had been for three years living as pirates; cf. *Gervase of Cant.*, ii. 244.

[3] *Ann. de Dunst.* (Ann. Mon., iii. 240).

[4] *Reg. Clem. IV*, i. No. 1094.

With the pacification of the country assured, the question of money was once more mooted. The pope on 23 May, 1266, appointed one Master Sinicius, collector of papal dues, and commends his work to the king and various bishops. The same day he reminds King Henry that the annual tribute of a thousand marks has not been paid for five years; and, as the Church is in grave need of money, he begs that the king will pay the whole amount of the arrears to the newly appointed collector as soon as possible. In order to bring pressure upon Henry for the settlement of this claim, in another letter he endeavoured to enlist the influence of the queen.[1]

Henry, however, was obviously unable to pay the tribute and was himself in great need of financial assistance at this time. Applications to the pope to assist him out of the revenues of the English Church, secured on 8 June, 1266, a papal grant of a tenth of all ecclesiastical property[2] for three years. Henry applied to Convocation for a larger amount, which was at once refused.[3] Besides this papal grant from the ecclesiastical revenues in England, Pope Clement gave Henry a similar tax on the Scotch church property, should the king of Scotland consent.[4] Cardinal Ottoboni is authorised to appoint collectors of this tax on the Scottish Church, and he is told that the intention of the pope is that any sums thus obtained are to be spent on the liquidation of the king's debts, incurred during the late disturbances. If the Scotch king will consent to the taxation, the pope wished the money in the first place to be used to pay the queen's debts; and then, out of whatever is over from the tenth on all ecclesiastical property, the legate is charged to pay what is due to the pope for the annual

[1] *Reg. Clem. IV*, i. Nos. 764, 766, 768, etc. [2] *Ibid.*, No. 320.
[3] Ann. Mon., iii. 244. [4] *Reg. Clem. IV*, i. No. 322.

tribute payable by England to the Holy See.[1] At this same time it was thought well by the English king to obtain the pope's confirmation of the terms of the dower, promised to the queen by the king, which was accorded on his petition.[2]

The chance survival of some of Cardinal Ottoboni's letters,[3] written during his stay in England, have helped to show his zeal and untiring energy in the cause of peace and in the restoration of ecclesiastical discipline. His task was difficult; but he had no desire to show himself over-harsh, or to require more than was necessary to reconcile those, who in fighting against the king, had brought upon themselves the censures and excommunications of the Church. He writes with pride at being called upon to bring order into a country, the Church of which possessed such a glorious past as that of England could show. The nation is "like a well-beloved inheritance, which the Lord had abundantly enriched with a fullness of faith, with a knowledge of the truth, with an absence of error, with reverence for holy things and with a fervent love for the beauty of God's house."[4] To those who pleaded that in what they had done their only intention was to force the king to keep the "Provisions of Oxford," which he had sworn to do, the cardinal-legate replied, that these had been condemned by the pope, and to defend them was to claim "to know better than the Apostolic See."[5]

With the beginning of 1267 Cardinal Ottoboni sent out letters to the various collectors of the ecclesiastical tenth granted for three years by the pope to the king, directing them to send the money forthwith to the diocesan.[6] What was expected from this collection appears in a letter

[1] *Reg. Clem. IV*, i. Nos. 321, 324, 340, 786.
[2] *Ibid.*, No. 329.
[3] Printed in the *Historical Review*, 1890, pp. 87-120.
[4] *Ibid.*, p. 100.
[5] *Ibid.*, p. 104.
[6] P. R. O. Papal Bulls, Bundle xliii., Nos. 1-5.

written, under the date of 6th February, 1266, by the legate to the new archbishop of York, Walter Giffard, formerly bishop of Wells, who had been presented to the pope, on the refusal of St. Bonaventure to accept the dignity. In this letter Ottoboni says that, out of the ecclesiastical tenth the pope wishes 2,000 marks to be paid to Richard of Germany; and also, that the arrears of the annual tribute should be paid to the papal collector Sinicius.[1]

In the year 1268 the general state of the country allowed the legate to turn his special attention to the Church. Early in April he preached the crusade in St. Paul's, London. The pope had told him to release King Henry from his crusading oath, taken long before but never yet carried into effect, on condition that Prince Edward went in his place;[2] and the prince took the oath subsequently at Northampton, in June.[3] At St. Paul's assembly, amongst others to bind themselves by the crusading vow was Thibaud, archdeacon of Liége, who had come to England with Ottoboni, and who afterwards was raised to the papacy, as Gregory X, when actually with Prince Edward on his expedition to the Holy Land.[4] Peace and quiet was even yet not fully restored in the land, for some of the malcontents endeavoured to prevent provisions being supplied to the legate; and disturbances took place in various parts of the city of London. Ottoboni took refuge in the Tower, and thence published an excommunication against the disturbers of the peace, and placed an interdict on the London churches. This appears to have had the desired effect; for although in one of his letters the cardinal complains that the English do not pay proper heed to ecclesiastical censures, the troubles were certainly drawing to an end.

[1] *Letters from the Northern Registers*, 7.
[2] *Reg. Clem. IV*, ii. No. 609.
[3] Ann. Mon. iv., No. 217.
[4] *Flores Hist.*, iii. 14.

On 21st April, 1268, and the two following days, the legate held a council in London at which he promulgated his celebrated "Constitutions," which became the canonical foundation of subsequent English Church government. Some of the clergy present endeavoured to raise a protest against the action of the cardinal; but the rest of those present refused to back it, and it was withdrawn.[1] The "Constitutions" consist of fifty-three sections, or chapters, and they cover the ground of the whole clerical life and practice, and include several chapters dealing specially with the case of religious men and women. About this same time Ottoboni had summoned the Scotch bishops to meet him in the North of England, in order to discuss with him the state of the Church and to receive from him constitutions, somewhat similar to those he had imposed on the English Church. Two bishops only responded to his summons, and some others sent proctors, but they refused to accept from him any statutes, claiming that this had never before been attempted in the history of the Scotch Church.[2]

The stay of the legate in England was now drawing to a close. Clement IV had need of his services elsewhere, and preparations for his departure were being made early in July, 1268. On the 7th of that month he addressed a letter to the prelates of the province of York, in which he expatiated on his work in trying to pacify England. It had been agreed that those whose estates had been confiscated at the conclusion of the struggle, should be able to redeem the forfeited lands by periodical payments, and many had asked the clergy to help them in this matter by loans. To this the legate agreed, and gave his permission for the clergy to act in this way, in the last of his letters now

[1] Barth. Cotton, *Hist. Anglic.*, 143. [2] Wilkins, *Concilia*, ii. 19.

extant. He left England, according to the chronicle of Wykes, on 28th July, 1268, having accomplished a great deal of the work he had been sent to do.[1] Before his return to the Curia, Clement IV died on 29th November, his successor not being enthroned for two years.[2]

The rest of the long reign of Henry III presents few features of interest from the ecclesiastical point of view, and may be very briefly considered. The movement headed by Simon de Montfort was undoubtedly popular; and with many people he was regarded not only as a national hero, but, in spite of the condemnation of the Roman authorities, as a saint. The moderation in dealing with the remnants of de Montfort's party, inculcated upon the young Prince Edward by the legate, had as much as anything to say to the entire collapse of the rising, since henceforth Edward held the ascendency in his father's councils and, although the king had been liberated and the rebellion put down mainly through his exertions and those of the earl of Gloucester, both the prince and the earl had previously been known as favouring the party of reform. Henry III himself, as a modern historian has put it, "never fell back into his old ways," and there was not the same necessity for the constant appeals and counter appeals to the authority of the Holy See, which characterises the first half century of this reign. Moreover the papal throne was vacant for a while; and when, on 1st September, 1271, Gregory X, in the person of Thibaud, the archdeacon of Liége, was elected whilst still in the Holy Land with Prince Edward, the king had settled down to a peaceful old age, and in the midst of the infirmities of the closing days of his life we hear nothing more of the mis-government of his early years.

The new pope, Gregory X, was known in England, as

[1] Ann. Mon., iv. 219. [2] *Ibid.*

already pointed out, and letters of congratulation were sent to him from English churchmen. Walter Giffard, archbishop of York, in his communication expresses the national reverence for the occupant of the Chair of Peter. "The House of the Lord," he says, "is divinely founded *on the stone of help*,[1] *upon the foundation of the Apostles and Prophets*, that is, upon the holy Roman Catholic Church, which has the first place, not alone by virtue of synodical laws, but by the gospel declaration of the Saviour, our Lord Jesus Christ; and in St. Peter and his successors has ever had the character of holy teaching and stability. As from the trunk of the tree life rises to the branches, as health flows through each member from the head, upon which the whole body depends, as the streams spring from the fountains, as the rays proceed from the sun, so all the Churches, which the Christian religion has founded throughout the world, owe all to the greatness of the Apostolic See. Hence it is that the English Church, which is the more devoted to the Apostolic See, because it recognises the benefits it has so many times received from it, inconsolably afflicted by the long vacancy, has uttered sighs more deep than others and more earnestly besought the Lord, that, looking with eyes of pity upon His Church, He would no longer leave the bark of Peter and the net of the supreme fisherman to the mercy of the rising storms, but provide it and the whole Christian people with a proper ruler." Thus, after expressing the pleasure with which the world has heard of the election lately made, the archbishop concludes: "I submit and commit to your lordship, O Holy Father! myself, though the least of men, still the spiritual offshoot of the Roman Church, and all that the same

[1] 1 Kings, vii. 12.

Church has given to my charge; though indeed what is yours cannot be more yours. Use therefore what is your own as you please; I am most ready and will carry out your desires. I profess to be wholly yours;—what a slave ought to be to his master; a pupil to his teacher; a son to his father."[1]

A similar feeling of loyalty to the pope is expressed by the prelates in a synod held about the same time as the date of the above letter, January, 1272. The pope had requested the clergy to grant a tenth on the property of the Church to help Prince Edward in his successful crusade in the Holy Land. There was a difficulty in finding the money, but the clergy promised to do what they could, because "in this and in all other matters they desired to fulfil the wishes and desires of the lord pope."[2]

Henry III had now been unwell for some considerable time, and the end came on the 16th of November, 1272.

[1] *Letters from the Northern Registers*, 42. [2] Wilkins, ii. 24.

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